

LAW LIBRARY JOURNAL

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This issue contains the Index to Volume 48 (1955).

The attention of the readers is drawn to the advertisements in this issue.

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LAW LIBRARY JOURNAL

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THE PRESIDENT'S PAGE

At the Chicago meeting Harry C. Bauer, Director of Libraries of the University of Washington, expressed the view that the only kind of a survey which is really fruitful is a self-survey. At the present time the Association is undergoing such a survey, with regard to its committee structure. A Committee on Committees, composed of Vernon M. Smith, Chairman, Arie Poldervaart and Huberta A. Prince, is presently studying the committee organization of the Association, with an eye to determining how the activities, actual and potential, of the Association can best be carried out. This requires definition of the areas of activity and the assignment of such activities to appropriate committees. There is considerable likelihood that this committee will discover that our committees have "just grown": at least such a conclusion would not be surprising. As we come to the end of our fiftieth year, it seems appropriate that our house should be put in order. The members of the committee will welcome any ideas with respect to committee organization which the members will contribute.

The following list of committees, with the chairman for the year will give you our present organization.

Cataloging—Frances Holbrook
Chapters—Mary Oliver
Civil Service Positions—Lillian McLaurin
Cooperation with the American Bar Association—Erwin Surrency
Cooperation with the Association of American Law Schools—Vernon M. Smith (to Dec. 31, 1955), Marian G. Gallagher (Jan. 1, 1956 to Dec. 31, 1956)
Cooperation with the Library of Congress—Kurt Schwerin
Cooperation with State Libraries—Ernest Breuer
Education and Placement—Marian G. Gallagher
Exchange Files—Doris Fenneberg
Foreign Law—Kate Wallach
Index to Legal Periodicals—Forrest Drummond
Law Library Journal—William B. Stern
List of Law Libraries—Reginald J. Furness
Memorials—Michalina Keeler

New Members—Vera Woeste
Nominating—William R. Roalfe
Scholarship—Bernita J. Davies
State Bar Publications—Eileen Searls

Special Committees:

Budget—William B. Stern
Committees—Vernon M. Smith
Constitution and By-Laws—R. Paul Burton
Golden Jubilee Issue—Margaret Coonan and Helen Newman
Indexing Foreign Legal Literature—Sidney B. Hill
Microcopy—Huberta A. Prince
Policy—Forrest Drummond
Publications—Betty LeBus
State Law Index—Kurt Schwerin
To Study the Application of Scientific and Mechanical Devices to Libraries—Vincent Fiordalisi
To Study In-State and Out-State Pricing Policies—Edith Hary

The Nominating Committee is always anxious to receive suggestions for nominees. Since its task must be completed in time for the membership to be notified, any suggestions you have should be made at once to Bob Roalfe, or the other members of his committee, Charlotte Dunneback, Lillian McLaurin, Harrison MacDonald and Laurie Riggs.

CARROLL C. MORELAND

The Law Librarians' Institute

Chicago, Illinois

June 28-July 2, 1955

Reported by REDMOND A. BURKE, C.S.V., *Director of Libraries*
De Paul University, Chicago, Illinois

The School of Law of Northwestern University was the scene of the recent Law Librarians' Institute. Dean Harold C. Havighurst and his entire staff provided excellent hospitality for the more than seventy registrants. The American Association of Law Libraries through its local chapter, The Chicago Association of Law Libraries, had been planning for the Institute for more than two years. As directors, William R. Roalfe, Professor of Law and Librarian of the School of Law, Northwestern University, and Ervin H. Pollack, Professor of Law and Librarian, College of Law, Ohio State University, brought to the Institute the fruits of their combined professional and educational experience. Mrs. Marian G. Gallagher, President of the American Association of Law Libraries, was an active participant in the planning. One of the distinguishing features of the Institute was the preparation and advance distribution of the syllabus to all registrants, so that everyone might be prepared by prelection for maximum participation in the discussions.

Mr. Pollack opened the Institute with an analysis of problems involved in the *selection* of law books as distinguished from the *collection* of law

books. He was assisted by Mr. Charles A. McNabb, Executive Librarian, Chicago Bar Association, who explained the needs of bar association libraries, and by Dr. Kurt Schwerin, Assistant Librarian, School of Law, Northwestern University, who outlined the requirements of collections of international and foreign legal materials. The evening Workshop consisted of individual reports by the registrants on book selection in special subject areas. Mr. John C. Leary, Librarian of the American Bar Research Center, explained the many details involved in a well-organized system of order work. Miss Frances Farmer, Librarian of the School of Law, University of Virginia, and Secretary of the AALL, commented on Mr. Leary's remarks. Miss Elizabeth Benyon, Assistant Librarian of the University of Chicago Law School prepared the survey of procedures for handling and recording continuations. This was interpreted by Dr. Fritz Veit, Supervisor of the John Marshall Law School Library of Chicago, with further discussion by Mrs. Dorothy Kloforn, Acquisitions Assistant in the School of Law of Northwestern University.

Two full days of the Institute were devoted to analysis and discussion of

the problems involved in cataloging legal materials. Basic cataloging procedures were outlined and explained by Miss Nancy E. Miller, Librarian of the Chamberlain Branch of the Akron Public Library. Dr. Herta Prager, Head of the Cataloging Department, School of Law, Northwestern University, explained the recognized exceptions to the general rules of law library cataloging. Mr. Pollack surveyed the AALL recommendations for revision of those sections of the *ALA Rules for Author and Title Entries* which deal with legal materials. Miss Frances Farmer summarized the salient factors involved in the technical procedures of law libraries.

On the final day of the Institute, Miss Betty LeBus, Instructor in Law and Law Librarian, School of Law, Indiana University, and Mr. Francis J. Rooney, Professor of Law and Assistant Dean, School of Law, Loyola University (Chicago), presented an extensive commentary upon the physical arrangement of the collection and the equipment of a law library. That afternoon, the law libraries of Chicago held informal open house for the visitors. The Institute closed with a graduation dinner held in Abbott Hall at Northwestern University.

*Contents of Syllabus Used
at the Institute*

- Pollock, Ervin H. Book Selection—containing bibliography of book selection aids.
- McNabb, Charles A. Book Selection in a Bar Library.
- Schwerin, Kurt. Selected Basic Works in English on Foreign and Comparative Law. (Bibliography)
Appendix: Selected Bibliographies on International Law.
- Leary, John C. Order Work Procedure.
- Benyon, Elizabeth. Continuations.
- Miller, Nancy E. Introduction to Cataloging. (containing list of basic reference materials for classifying and cataloging in law libraries).
- Pollack, Ervin H. Advanced Cataloging.
- Farmer, Frances. A Summation: Technical Services in the Library Program.
- Rooney, Francis J. and LeBus, Betty V. Physical Arrangement of a New Law Library.
- Association of American Law Schools. Special Committee on Library Collections.
Report:—listing recommended titles for the libraries of the Association's law schools (1955).

Proceedings of the Forty-Eighth Annual Meeting of the American Association of Law Libraries

HELD AT

CHICAGO, ILLINOIS, JULY 5-8, 1955

TUESDAY MORNING SESSION

July 5, 1955

The Forty-Eighth Annual Meeting of the American Association of Law Libraries convened at ten o'clock in the Grand Ballroom, the Drake Hotel, Chicago, Illinois, with Mrs. Marian G. Gallagher, President, presiding.

PRESIDENT'S REPORT

1954-1955

Protocol demands of the President an Annual Report. Custom demands that that Annual Report diagnose the state of the Association's health, by explaining the unusual, weighing the gains and losses, praising the doers, and poking at the standing defects; and, having made the diagnosis, prescribing at least a part of the remedy and announcing what time the busses will leave the next day.

I shall bow to only some of these customs. I shall not explain the unusual, primarily because, if anything unusual has happened during the year (and I am not even sure that it has) you, as the members to whom it happened are as apt to have the key as I.

A weighing of the gains and losses, without taking into account those of

our problems which are not new to us and therefore can be classified as standing defects, results in a preponderance of gains. Each job, no matter how small, accomplished or in progress, is a gain, and our Committee Reports (which I trust all have read) are heavy with them. We are losing as Chairman of the Education and Placement Committee the man who has guided that work from its beginning. But we are not losing him from the Association, and if we know Dr. Price we shall not be denied his advice and counsel. This afternoon's panel at Northwestern Law School will present suggestions in preparation for making the coming gap in our placement procedure less gaping. We have lost some things through economies—the curtailed work of the Special Committee on Publications, the curtailed size and content of the *Law Library Journal*. But partly through those economies, and partly through increased membership and increased dues, for the first time in several years we have gained the advantage of black over red ink in the Treasurer's general account. Perhaps it is not overcautious to say that one year in the black should not be the signal to abandon all economies

and restore immediately all that we have denied ourselves during the year, but that it is a hopeful sign for the future.

It is a pleasure to bow to the doers, those members whose acceptance of responsibility and whose dependability in carrying it out make them the backbone of every committee and the bulwark of the officers' rescue team; and whose names keep reappearing on the lists of Association assignments, in spite of everything we try to do to spread our task among a greater number. Those who will finish a job without regard to the honor attached to it are the real leaders of this Association, and if our accomplishments are greater than those of organizations of comparable size, it is because we have many of them. There are individual doers and there are Chapter doers, whose accomplishments have been recorded in the Committee reports and throughout the year in the President's Newsletter. May their number increase.

I should not have done justice to my praise of the doers were I to omit mention of our Secretary and our Treasurer. It is they who hold this Association together, who calm the inexperienced president, who answer cheerfully, promptly and accurately the too-frequent "I never heard of this, what shall I do now?" and "Whose responsibility is this?" letters. In jobs such as theirs there is no substitute for experience; when you combine the know-how of experience with ability, industry, and even-tempered dispositions, you have that which alleviates those defects at which presidents customarily poke in their an-

nual reports. At the beginning of the year my admiration for the Secretary and the Treasurer was notable; at the end of the year it is immeasurable and interlaced with gratitude.

I shall not poke at the standing defects: I shall only nudge them into the territory of the Special Policy Committee. That Committee's mandate from the Executive Board encompassed the study of this Association's needs. That Committee was appointed after consultation with the full Executive Board, and its members were selected for their experience, ability and industry (the same qualities notable in the Secretary and Treasurer, with the exception of the even-tempered disposition. The Board was not concerned with their dispositions). They have spent almost a full year poking at Association defects, can tell you more about them than I, and will tell you about them on Thursday morning.

Which brings me, conveniently for us all, in logical order to the prescription of the partial remedy. The type of pill itself I leave to you; my recommendation relates to the way you swallow it. On Thursday morning the Special Policy Committee will present to you its recommendation for Association action, a recommendation which will have been reached only after intensive study. You may not agree with that recommendation. We are not asking you to agree; you will have your chance on Thursday to disagree. We are asking this: whatever the outcome of Thursday's debate, whatever proposal for action is adopted, that each of you, whether you voted aye or nay, will accept that

proposal as your own, and join the ranks of the doers in carrying it out. No decision we might make could be perfect in the eyes of each of us, but the prompt and cooperative action to carry it out will work eventually to the benefit of all of us.

PRESIDENT GALLAGHER: The report of the Secretary, Miss Frances Farmer.

THE SECRETARY'S REPORT

SECRETARY FARMER: Madam President and Members: My report appears in the mimeographed reports which you have already received. I would like to thank the President and members of the Board and membership at large, all of whom have been so very helpful in keeping the Secretary informed throughout the year of their business transactions and sending copies of their letters.

This past year we had the problem of making the ballot a little more informative than in the past, and as it turned out, it was a rather cumbersome paper, and though I have not had any complaints from the Elections Committee, I hope in another year we may have it presented in a form that will be more acceptable and a little easier to handle.

PRESIDENT GALLAGHER: I should like to introduce to you the Parliamentarian, John Leary, and ask him to come up here and occupy one of these chairs.

The report of the Treasurer, Miss Elizabeth Finley.

THE TREASURER'S REPORT

TREASURER FINLEY: I am sure you have all read the Treasurer's report,

if not the others, and have taken in the good news that as the President has told you, we have arrested our downturn and have showed a profit for the year. As she also explained, we are still wondering which of the economies that brought this about we can afford to relax.

I would like to remind you that the Treasurer keeps the master records of membership. I would particularly like to call the attention of the institutional members to the importance of sending me changes in personnel as soon as they occur. Quite frequently it doesn't occur to the member to send them to me until he gets the bill listing people that have long since departed from his staff. If you would try to remember to send me the changes as fast as they occur, our membership list will be more accurate and up to date.

PRESIDENT GALLAGHER: The Auditing Committee consists of Miss Dorothy Andrews, Mrs. Elizabeth Gallagher and Mr. Robert J. Everson, Chairman. May we have the report of the Auditing Committee.

THE AUDITING COMMITTEE

MR. ROBERT J. EVERSON: Madam President, I understand as an economy measure it has been decided that an audit will be taken every other year, and since this is an off year, your Auditing Committee does not have a report to offer. Therefore, I move that the Treasurer's report be accepted until an audit is taken next year. *The motion was seconded and passed.*

PRESIDENT GALLAGHER: If there is no objection, we should like to deviate from the usual order of business

to report Executive Board action on a petition by certain members of the Association that a charter be granted to an organization to be known as the Minnesota Chapter of the American Association of Law Libraries. The By-Laws provide that 10 members may apply for such a charter, that the Executive Board shall make proper investigation and report favorably or unfavorably to the Association. The Executive Board reports favorably on the petition for a charter for the Minnesota chapter of law libraries. We shall entertain a motion that such a charter be granted.

MR. A. MERCER DANIEL: I move that the charter be granted. *The motion was seconded and passed unanimously.*

PRESIDENT GALLAGHER: The report of the Cataloging Committee presented by Dr. Werner B. Ellinger, Reporter, for Ervin Pollack, the Chairman.

THE CATALOGING COMMITTEE

DR. WERNER B. ELLINGER: The activities of the Committee on Cataloging for the past year constituted in the main an aftermath to the year before. It consisted of the preparation of the manuscript for the publication of the report which was adopted last year and published in 48 *Law Library Journal* 3 (1955). The work of the committee on the revision of the cataloging rules of entry is thus far completed, and the initiative of the progress rests with the ALA Division of Cataloging and Classification to which this report primarily is addressed. Your Reporter is assigned to keeping up the liaison and representing you

with the ALA Division of Cataloging and Classification in negotiating the adoption or partial adoption, as the case may be, of our recommendations.

The program of the committee for this coming year was discussed at a committee meeting last night, and the committee decided to study the possibilities of standardizing legal subject headings as the first step toward such a standardization. The committee is undertaking to extract the legal subject headings from the nonlegal subject headings, and to develop principles for legal subdivision of nonlegal subdivisions for the use of law libraries, and for the form in which legal subject headings should be established.

It can be assumed that this task will not be completed within one year, but that we shall make progress in the first step of compiling the legal headings from the LC list. I would like to ask you for your individual support if the Chairman or some members of the committee should approach you in this undertaking.

PRESIDENT GALLAGHER: The Committee to Cooperate with the Library of Congress, Dr. Kurt Schwerin, Chairman.

COOPERATION WITH THE LIBRARY OF CONGRESS

DR. KURT SCHWERIN: Our main effort during the year was aimed at the restoration of the *State Law Index*. Pursuant to the recommendations set forth in the Report, the Committee took further action which resulted in a joint meeting on July 1, 1955, when the Chairman of the Committee met at Northwestern University with representatives of a number

of organizations to discuss the possibilities of resuming the indexing of state laws.

The following is a list of organizations represented and the names of their delegates:

American Association of Law Libraries (Kurt Schwerin, Chairman, Committee on Cooperation with Library of Congress, presiding)

American Bar Foundation (John Leary)

American Political Science Association (William Keefe, Northwestern University)

Council of State Governments (Herbert L. Wiltsee)

National Association of Legislative Service Agencies (Margaret Coonan)

National Association of State Libraries (Edith Hary, Maine State Library)

Albert I. Matkov, Massachusetts State Library, represented Mr. Dennis A. Dooley, Member of the Committee on Cooperation with L.C. Miss Helen A. Snook, a member of the Executive Board of the AALL, also was present. Dr. Lawrence Keitt, Law Librarian of Congress, participated in the Meeting and presented the point of view of the Library of Congress with respect to the indexing of state laws. Briefly, the Library of Congress is willing to reinstate the *Index* if funds are furnished either through Congressional appropriation or outside contribution. However, because of adverse Congressional action on past attempts of the Library administration to reinstate the *Index*, the Li-

brary is unwilling to take the initiative in seeking reinstatement.

The discontinuance of the publication of the *State Law Index* in 1949 has greatly impeded research in statutory law. In spite of the fact that several of the organizations represented at this Meeting have adopted resolutions which urged restoration of the *Index*, no satisfactory result has been achieved. The Library of Congress included in its budget for 1954 an item of \$25,000.00 for the purpose of resuming publication. When the matter was brought before the Appropriations Committee during the Hearings of June 1954, it was turned down.

One of the erroneous impressions given during the Hearings which appears to have influenced the Committee members was the view that the use of the *Index* was extremely limited—that it was confined chiefly to state reference and research agencies. In actuality, there is abundant evidence that this Service has been of utility to many public and private groups, agencies and individuals, including general law libraries.

Another statement during the Hearings suggested that the Commerce Clearing House *Service of Advance Session Laws* provides similar information to that in the *State Law Index*, whereas, according to the publisher's own announcement, it covers merely new business, tax and welfare laws.

This Joint Meeting emphasizes the importance of resuming the indexing of state laws. The representatives of the organizations participating in this Meeting recommend the formation of a *Joint Committee* with participation by the organizations here represented and other interested organizations

which should proceed along the following lines:

1) It should request the Library of Congress to prepare a budget estimate covering resumption of the indexing of state laws for discussion during the Hearings of the Congressional Appropriations Committees on the 1957 budget.

2) It should urge upon Congress the reinstatement of an indexing service of state laws pursuant to USC Title 2, 164 and should request the House and Senate Appropriations Committees to provide suitable opportunity for the Joint Committee to appear in support of this program.

This Joint Meeting urges that the individuals participating in it report to their respective organizations for the purpose of securing endorsement of these objectives and that the co-operating organizations further are asked to appoint members to a *Joint Committee* for resumption of an index of state laws in order that the objectives set forth above may be carried out at the earliest possible moment.

Madam President, I move that the Association proceed next year in the way outlined in my report. *The motion was seconded and carried.*

PRESIDENT GALLAGHER: The report of the Committee to Cooperate with State Libraries, Virginia Knox, Chairman.

COOPERATION WITH STATE LIBRARIES

MISS VIRGINIA A. KNOX: Madam President and Members: The report is filed in the list of reports at page ten, and I believe it needs no additions or explanations, but I thought

you might like to know when the supplement and how the supplement may appear.

It is scheduled now to appear in the February 1956 *Law Library Journal*. That will be a 20-year supplement to the Macdonald check list of session laws from 1934 to 1954. It will not include any corrections or additions to the original list. It will be twenty years since the original list, and in our report we did ask where can we get copies of the original Macdonald list.

There are many new libraries that do not own copies and cannot find where to secure a copy. If any one knows where they can purchase a copy, we would be only too happy to be told.

PRESIDENT GALLAGHER: One of the things which was discussed at one of the sessions of the Institute which preceded this convention was the possibility of our Association's sponsoring a reprinting in uniform format of those check lists which are most useful to law librarians, many of which are out of print. The check lists of bar associations reports in the *Hicks'* second edition, the judicial and legislative council check lists from the *Law Library Journal*, and while the Macdonald check lists were not specifically mentioned, we assume that too would be one of the things that might be reprinted. Some time in the future you may be asked to give an estimate or a forecast of your reaction about reprints of these check lists should they be made available.

ELECTIONS COMMITTEE

PRESIDENT GALLAGHER: The Elections Committee has filed its written

report with the Secretary of the Association. The report being in due and proper form, the following officers for the 1955-1956 term are hereby declared elected.

For President, Carroll Moreland, University of Pennsylvania Law Library.

For President-elect, Margaret E. Coonan of the New Jersey State Law Library.

For Secretary, Frances Farmer of the University of Virginia Law Library.

For Treasurer, Elizabeth Finley of Covington & Burling.

For Executive Board member at large, William B. Stern of the Los Angeles County Law Library.

The report of the Memorials Committee, Mr. Gilson Glasier, Chairman.

MEMORIALS COMMITTEE

MR. GILSON G. GLASIER: Madam President, we are very fortunate this year in having a brief report. I hope we will always have a brief report of this committee.

I have had the sad duty of writing one memorial for a deceased member. That was for Mr. William R. C. Kendrick of Iowa. However, there was one other memorial published in the February issue of the *Law Library Journal* along with Mr. Kendrick's, and that was for Maury Maverick. Those are the only two I have to report. I suggest that we stand a moment in silence in memory of our deceased members. *The members stood in silence.*

PRESIDENT GALLAGHER: The report of the Nominating Committee.

NOMINATING COMMITTEE

MR. LOUIS PIACENZA: The Nominating Committee report comes in two parts. Part one you received a copy of, and it was purely and simply the suggested ticket of candidates. Part two is a little bit more involved. It consists of two resolutions, suggested recommendations, to amend the Constitution and By-Laws.

To: The Executive Board of the American Association of Law Libraries

From: A Group of interested members
Subject: Enlargement of the Executive Board and limiting the term of office of certain officers of the American Association of Law Libraries by Constitutional Amendment, and Amendment of the By-Laws of the Association to conform with the proposed Constitutional Amendments.

WHEREAS, the Undersigned Group of Members is of the opinion and belief that enlargement of the size of the Executive Board, and limiting the term of office of certain officers, will be beneficial to the American Association of Law Libraries and that the Association will not grow either in wisdom or numbers until there are assurances, constitutionally guaranteed, that frequent rotation of officers will give each member an opportunity for service in a higher capacity than committee member by (1) securing more adequate representation to the membership-at-large on the policy-making level; (2) creating more opportunities for deserving members to serve the Association in

capacities requiring the application of initiative, judgment, and wisdom gained through previous committee service; and (3) affording the Association an opportunity to observe and appraise the leadership potential of a greater number of members who may be available for service for higher office, AND

WHEREAS, the Undersigned Group, after careful study of the size and composition of the Executive Board as it now exists, finds that the advantages recited above are not possible without certain Amendments to the Constitution and By-Laws of the Association, AND

WHEREAS, increase in membership of the Executive Board to eleven members may be achieved within three years by election of two members at each annual meeting after adoption of proposed Amendments, THEREFORE, the Undersigned Group respectfully requests the Executive Board to propose at its earliest convenience the following Amendments to the Constitution and By-Laws of the Association for approval by the membership-at-large:

Proposed Amendment to Article VI, Section 1, of the Constitution, to replace the present section—
Article VI. Executive Board.

Section 1. There shall be an executive board of eleven members, consisting of the officers named in Article V, Section 1, the retiring president, and six members whose term shall be three years, two of whom shall be elected annually by the Association. The duties of the Executive Board shall be those

usually assigned to such boards in similar associations.

TABLE

Gradual Achievement of an Eleven Member Board

Year	Election of Member-at-Large	Size of Board
1955	1	8
1956	2	9
1957	2	10
1958	2	11
1959, etc	2	11

Proposed Amendment to Article V, Section 5, of the Constitution, to replace the present section—

Article V. Officers and Committees.

Section 5. All officers and members of committees shall serve until their successors are elected or appointed, and qualified; but no one shall hold the office of Secretary or Treasurer for more than three consecutive years.

Proposed Amendment to the first paragraph of Article III, Section 1, of the By-Laws, to replace the first paragraph of the present section—
Article III. Nominations and Elections.

Section 1. Not later than October 1, of each year, the President shall appoint a nominating committee of five members, no one of whom shall be a member of the Executive Board, to confirm the president-elect for the presidency and to nominate candidates for the elective positions of President-elect, Secretary, and Treasurer, and two memberships on the Executive Board. Two candidates for each of the two memberships on the Executive

Board shall be presented, and two candidates may be presented for office of President-elect.

Respectfully submitted,
Virginia E. Engle
Margaret D. Stevens
Francis B. Waters
Louis Piacenza, Chairman

The Committee was a little late in getting the resolution to the Executive Board. It was not in time for them to act upon it and notify you within thirty days of this meeting, so that we might vote on it today. However, we did get it in time for them to reject it yesterday. What the Committee proposes to do then is to circulate a petition by mail and get the necessary 10 per cent—if we can—members to present it to the Association for a vote next year.

Resolution number two has to do with limiting the terms of the Secretary and Treasurer, to three consecutive years with full voting privileges. That was not presented to the Executive Board. The Executive Board did not have an opportunity to reject it. We will present it formally to them, and if they adopt it, we will not petition you for signatures. If they reject it, then we will certainly contact all of you by mail to get the necessary 10 per cent of the membership, that it may be presented to the entire membership according to our Constitution and By-Laws.

MISS ELOISE B. CUSHING: Mr. Chairman, I think we should make an amendment to your Article III, Nominating for Elections. Several years ago when I was on the By-Laws Committee, we were too late also in getting a mat-

ter before the Board, and that was the question of nominating somebody in case the President-elect who would be going into office would not be able to act. You have no condition whereby your Nominating Committee can present a name for President.

I think if the vacancy came at a time when there was an election to be held, that that should be taken care of in your provision, and I propose that you say after "confirm the election of the President-elect," "that in the event said President-elect is unable to serve, the Nominating Committee shall present a candidate for the Presidency."

Also, I noticed that you say two persons may be presented for the President-elect, but you don't say that you can present the names of more than one person for Secretary or Treasurer. I think it should read: "Two candidates shall be presented for the Executive Board, and two candidates may be presented for any other office." Why limit it to just your President-elect? And I move that that be considered by the committee.

PRESIDENT GALLAGHER: There being no motion before the house, your motion is merely one that the Committee consider amending their proposal before presenting it. Is there a second to that motion? *The motion was seconded.*

MR. PIACENZA: You must remember we are the Nominating Committee and not a committee to amend the Constitution. We merely suggested this resolution as the Nominating Committee. The other resolution to limit the permanence of office of some of the offices does not come from the Nominating Committee because we

were not unanimous on that. It comes from—as we call ourselves—an interested group. Your question, I believe, can be answered by referring to the constitution. I would interpret it as saying that any number of candidates can be proposed for the Secretary and for the Treasurer—not one or two, but any number.

MR. FORREST S. DRUMMOND: I think that Louis' interpretation of that article to put up any number of candidates for any office is not right. We ironed this whole thing out a few years ago, and "candidates" in that article refers to candidates for several offices, and then we go on and specify two for President-elect and two for the Executive Board which seemed to me, and to a majority of the people at that time, excluded more than one for any other office. I think it was the intention when the Constitution was drafted and passed that only one candidate be presented except for the Executive Board, and then we amended the By-Laws to provide two for President-elect. I think that still leaves only one for the other offices.

PRESIDENT GALLAGHER: Before we go on, may we clarify the provisions of the By-Laws. In the event the President-elect cannot assume the duties of President, the Nominating Committee shall nominate a candidate for the office provided the fact is known to the Nominating Committee prior to March 1.

This is provided in the By-Laws, Art. III, Sec. 1, paragraph 2. The Constitution, Art. VI, Sec. 2 provides: "The executive board shall have the power to fill any vacancy in elective officers except that of president . . .

In the case of death or resignation of the president of the Association the president-elect shall become president . . ."

MISS CUSHING: Under that provision—I think it is very proper to withdraw the first part of my motion relating to the Nominating Committee's presenting the candidate for presidency, in case the President-elect cannot serve. *There being no objection, the motion was modified.*

MR. HARRY BITNER: I want to amend section one by making it mandatory that there be two candidates nominated for President-elect. Back in 1946 they asked some of these returning veterans to make some suggestions, and at that time I suggested that it should be mandatory that two candidates be nominated for the office of President-elect. That wasn't accepted. There were feelings that the organization was rather small, and we were rather close personal friends, and someone might feel hurt by this.

In Los Angeles they changed the By-Laws to read two candidates "may" be nominated. That seemed like something of a gain, and as you know, last year we did have two candidates for the office of President-elect. That is very well. Now, along comes this year's Nominating Committee and nominates only one. I don't think that is fair or proper or good practice. It seems to me that is not fair to the losing candidate. I would be perfectly willing if it were mandatory that there always be two candidates to run, but if we are going to have it this half-way affair, I certainly wouldn't want to do that because I just don't think it is fair. I would consider it an

honor under a mandatory system. It seems to me that is a rather democratic way of proceeding. As it stands, the President nominates a committee, and the committee merely selects—may select—one person. That person is your choice.

Now, someone may bring up this matter that you may nominate from the floor. We haven't done that. It hasn't been adopted, and I don't look for any one to use that procedure. I think that probably would create more personal feeling than perhaps if we went ahead and always made it a policy that there be two candidates, and the Association shall decide who is to be.

MISS CUSHING: I was going to say two or more candidates for any office. Under the way he presented it, we still—if we put up a Secretary and Treasurer—couldn't put up more than one person.

If you are going to be democratic about it, as you feel you should be with the President-elect, then every office should be. I would accept it if that is so. However, may I make a suggestion. Since we are only instructing the committee to consider, that my motion, if it is passed, be put on and give Mr. Bitner's motion as an alternate to the committee, and let the committee send it out as an alternate in their petition, and let the group decide when they sit down and have time to think it over which of the two motions they like best, or if the committee wants to incorporate it all, allow it so, but I think it gives them an alternative. Since we are not passing anything here, but simply asking the committee to consider, they can

consider putting it out in an alternative way.

MR. DRUMMOND: If you intend in any respect to affect next year's election, you would have to amend the By-Laws today at the meeting or some session of the meeting here in Chicago. Otherwise you won't be able to amend the By-Laws until the next annual meeting, I would still talk against making it mandatory for more than one candidate to be nominated for the position, but if you do want to affect next year's election, you have to pass it here.

PRESIDENT GALLAGHER: If Mr. Bitner's proposal is an amendment of Miss Cushing's motion, the effect would be merely advisory toward the Nominating Committee. If Mr. Bitner proposes a motion which would amend the By-Laws now, it is out of order because we have a motion before the house.

MISS DORIS R. FENNEBERG: Can we table that motion? I so move. *The motion was seconded and passed.*

MR. BITNER: I move that the By-Laws, Article III, Section 1, be amended by deleting from the last sentence the word "may" and inserting in its place "shall" so that Section 1, the last sentence, would read "two candidates for membership on the Executive Board shall be presented and two candidates shall be presented for the office of President-elect." *The motion was seconded.*

MR. BITNER: I purposely left out the point you made about the Secretary and Treasurer, and I would like to answer that first. The Executive Board and the Association had a very difficult job. I would have agreed with

you in 1946, Miss Cushing, but after having the privilege of serving on the Board, I certainly am sympathetic to the problem of getting people who will do the job thoroughly and competently. I prefer that those two offices be handled separately.

We also in the future will have coming up the matter of permanent Secretary and Treasurer. So I don't know whether at this particular moment we need be concerned about democracy being carried out 100 per cent, but I think certainly in some of these cases it would be wise, and I think it would be a fine move, if the Association did practice a great deal more democracy than it now does.

MR. DRUMMOND: I would like to ask Mr. Bitner one question. Did it occur to him it might also be difficult to get two candidates for the office of President? I think that that has happened, and if you make it mandatory, what are they going to do, put up a straw man?

MR. PIACENZA: As Chairman of the Nominating Committee, I can assure you it was difficult to get two candidates for the presidency.

MR. MORELAND: I can't recall exactly why it was that Forrest Drummond and I who worked on the revision of the Constitution at one time decided that we would not put into the Constitution that there be two candidates for the office of President-elect. We knew why we didn't for Secretary and Treasurer, the one that Mr. Bitner has just mentioned. We did put in, however, a requirement with respect to two candidates for the position of membership on the Board. The reason for that was Harry's rea-

son; that is to say, one of democracy.

Now, with respect to Mr. Bitner's proposal, I am the only one of the membership who has ever defeated an opponent for the position of President-elect, and it is not particularly a happy victory. As a matter of fact, I thought that was why they only presented one, but I think that since we have two people nominated for the office and for the membership on the Executive Board, it isn't quite proper that we have two people nominated for the position of President-elect.

DR. ELLINGER: Madam President, without taking any position on the merit of the motion, I would like to offer an amendment for editorial reasons and substitute the following sentence: "Two candidates for membership on the Executive Board and for the office of President-elect shall be presented." *The motion to amend was seconded and passed.*

The Assembly proceeded to a vote on the main motion as amended.

AMENDMENT OF BY-LAWS

PRESIDENT GALLAGHER: The vote being 78 for and 32 against, the motion carries and Article III, Section 1, of the By-Laws has been amended to read as follows: "Not later than October 1 of each year the President shall appoint a Nominating Committee of five members, no one of whom shall be a member of the Executive Board, to nominate candidates for the elective positions of President-elect, Secretary and Treasurer and membership on the Executive Board. Two candidates for membership on the Executive Board and for the office of President-elect shall be presented."

MR. SIDNEY B. HILL: Can we have a statement of instruction as to what clearly constitutes the Executive Board so there will be no misunderstanding?

PRESIDENT GALLAGHER: For a matter of information, you mean?

MR. HILL: Matter of information and record.

PRESIDENT GALLAGHER: The Executive Board consists of the officers, which are the President, the President-elect, the Secretary, the Treasurer, the immediate Past-President and three members at large.

The meeting recessed at eleven o'clock.

THE OPENING LUNCHEON SESSION

The Tuesday luncheon was held in the Gold Coast Room of the Drake Hotel. After the invocation by the Reverend Joshua B. Martin of the Auburn Park Methodist Church of Chicago, the members were welcomed by Professor William R. Roalfe of the Northwestern University Law Library and Mr. Augustine J. Bowe, President of the Chicago Bar Association. Miss Lucile Elliott of the University of North Carolina Law Library responded.

TUESDAY AFTERNOON SESSION July 5, 1955

The Second General Session convened at two forty-five o'clock in Lincoln Hall, Northwestern University Law School, with Mrs. Gallagher, the President, presiding. Dean Harold Havighurst cordially welcomed the members to Northwestern University Law School.

PRESIDENT GALLAGHER: The next

order of business will be the report of the Committee on Education and Placement by Miss Jean Ashman, a member of the committee, for Dr. Price, Chairman. Miss Ashman will introduce a panel composed of some members of that committee and some outside experts who will discuss the matter of placement.

EDUCATION AND PLACEMENT REPORT

CHAIRMAN JEAN ASHMAN: As you know, Mr. Price had charge of placement work for several years. He finds now that he must discontinue that activity, and unfortunately he was also not able to be present for this meeting. He sent us a report of the work which he has carried on, and Mr. Harry Bitner, Librarian of the Department of Justice Library, has very graciously consented to read this report for Mr. Price.

PLACEMENT OF LAW LIBRARY PERSONNEL—A PANEL

MR. BITNER: The purpose of this panel discussion is to consider means of expanding and improving the work of the Committee on Education and Placement generally, and specifically, its placement function. Perhaps for personal reasons, I regard this latter function as one of the very most important carried out by the Association. It is practical in the extreme, and directly or indirectly affects every law librarian, whether or not a member of the Association. Although we are a profession and not a trade, we, individually and collectively, are just as much concerned with our job, salary and status as any day laborer. The

placement work of the Committee is concerned with just these things. It has been effective to a greater extent than has perhaps been realized by the memberships, but not nearly so much so as is desirable.

The Committee was set up as the result of action taken at the Santa Fe conference, which directed that it have as its province matters concerning education and standards for law librarianship, and the placement of personnel in law library jobs. I was appointed Chairman, in which capacity I have served until this time. Partly because I do not believe in perpetual chairmanships, but chiefly because increasing pressure of my own affairs prevents the devotion of as much of my time to the work as it needs, I am resigning as of the end of this conference. In the belief that the importance of the functions of this Committee justifies a full scale discussion of how best to carry on from here, I last summer suggested this panel to President Gallagher.

My part of this panel discussion is concerned with the education function of the Committee only indirectly. This is because under my Chairmanship this aspect has been neglected. My successor and his committee might very well emphasize education for librarianship more, or the work be given to another committee.

As a point of departure for the discussion to follow, I shall briefly describe the placement activities of the Committee to date. Except as necessary background and perhaps defense of my own procedure, I shall make no recommendations, since I regard that as the function of the other members

of the panel. Unfortunately, the pronoun "I" will be seriously overworked in this paper; not because the other members of the Committee were unwilling, or incapable of cooperating fully, but because, due to constant pressure, I too seldom got around to enlisting their aid. For that I apologize.

First, it may be well to define the scope of placement. It includes, of course, the matching of personnel to job, but that is only part of it. Just as important is the persuasion of employers to improve salary, status and staff conditions, and here I feel that the Committee has achieved considerable success.

There are usually four steps in the Committee's part in direct placement. First is the inquiry from an employer—a law school dean, a government department, or a library committee—for a law librarian. Or the reverse process may be followed, when a librarian in quest of a job initiates the inquiry. Second is the search of personnel files or personal memory for the names of one or more possible eligibles. Third, sounding out the eligible as to his availability for the job. Fourth, a letter is written to the inquiring employer, giving an appraisal of the candidates listed, in the matter of age, sex, education, experience, personality and religion, as far as available data permit. These qualifications are the ones in which employers seem most interested, though religion since World War II has fortunately played a minor role. If the Committee is to be criticized for noting a librarian's religion, I can only state that the Committee must be realistic and comply

with the demands of inquirers. My own practice here has been to supply such information in a separate letter, on plain paper, so as in no way to involve my University or the Association.

Upon the basis of the information thus supplied, the employer makes his selection, though occasionally he ignores our advice and selects another person—more often than we like, one who seems to us to lack the qualifications asked for. In other words, the Committee serves only as a go-between, a marriage broker, and it is then up to the candidate to sell himself. Occasionally an employer makes an offer solely upon the Committee's recommendation and without further inquiry, but not often. This limitation upon the Committee's power is often misunderstood by disappointed candidates, who are prone to believe that all we have to do is to recommend a person, to ensure his appointment.

The weakest step in this process, and one to which I hope the panel today will pay careful attention, is the personnel information file. The Committee in effect has a product for sale: a man or woman ready, able and willing to fill an existing vacancy. Unless it has a stock of goods on hand, satisfying the demands made upon it by purchasers, it must largely fail in its function, disappointing employer and librarian alike.

The present personnel file, in spite of Committee effort, is incomplete and inadequate. It is made up in two ways: First, the personal acquaintance of the Committee (and more especially of the Chairman) with librarians; and, second, the personnel information

blanks filled out by librarians available for jobs.

Fairly searching personnel blanks, which most of you have seen, are from time to time mailed to libraries listed in the directory, *Law Libraries in the United States and Canada*, for use of members of their staffs, no distinction being made between Association members and non-members. The returns from 1200 mailed last Winter were disappointing, and this file needs work done on it. Librarians inquiring about jobs are also requested to fill out the blank.

Employers much prefer a recommendation made by the Committee or its Chairman upon the basis of personal knowledge and acquaintance-ship. They are not much interested in a mere recital of paper qualifications, which, translated into a librarian on the job, can be highly misleading. The weakness of this method is the impossibility that the Committee shall know all or a very large part of available job candidates personally, and the fallibility of the Chairman's judgment when making recommendations. (In order to avoid misunderstanding, let me state here that by "recommendation" I usually mean the mere listing of a person and his qualifications, and not a statement that I prefer Candidate A over Candidates B, C, or D. On the other hand, when there is a strong personal relation between the inquiring employer and me, I may make a preferential recommendation also.) Some procedure should be worked out to combine the virtues of personal acquaintance with the resources of an adequate personnel file. This will be difficult, and so far as my investiga-

tions have revealed, no professional association similar to ours has been able to achieve it.

Usually, the Committee waits for requests to come to it, but when circumstances seem to warrant, the Chairman initiates his own inquiries of employers.

The procedure outlined above has been criticized, sometimes justifiably, often not.

A common criticism is that the Chairman arrogates to himself too much responsibility when he makes recommendations at all, especially when he confines those recommendations to half a dozen or less persons per job to be filled.

As a substitute for the above procedure, it is suggested (to quote one letter) that "all positions to be filled by the Committee should be widely advertized within the Association rather than to a few selected arbitrarily by the Committee." My experience leads me to strong dissent. First, when the Committee was established, the Association laid down the policy that no distinction was to be made between members and non-members in recommending candidates, and none ever has been. The plea for wide advertisement of all positions has a specious plausibility to recommend it, but it won't stand practical analysis, for two reasons.

The most important is that most of those writing in to the Committee do not want their quest publicized at all. Sometimes they specifically state that they want it kept confidential. In most others it is implied in the letter. These prospective employers simply don't want to be bothered by a lot of in-

quiries from unqualified or ineligible candidates. They are also afraid of political or other pressure if the job vacancy is publicized. This is most important. Inquirers want a carefully winnowed list of names, with confidential and frank statements about qualifications. This the Committee has tried to give them. The list thus compiled is not arbitrary, but is arrived at as the result of correspondence, telephone conversations (at my expense), and the like. I freely admit that qualified personnel may thus be overlooked, and agree that any workable scheme to obviate this will be all to the good. But indiscriminate publicity is not the answer, except for civil service jobs, and usually not even for them. Recently, an experiment has been tried, through the cooperation of Matthew Bender & Co., Inc., of listing positions roughly by category and location in the Bender Newsletter, but there are not sufficient data at this time to appraise the value of this listing. So far, the results have not been reassuring.

Another objection to the advertising is the time element, and the expense. What medium is to be used to advertise these jobs? If the *Law Library Journal*, then it won't work in most instances, because of more than three months' delay between notice and publication—to say nothing of the further delay in sifting applicants. Almost always, these employers do not want to wait that long, but want a few names, carefully appraised to the best of the Committee's ability, at once. If the *Law Library Journal* is not to be the medium, what is? Mimeographing is relatively inexpensive, but what to use as a mailing list, and who

is to perform the clerical work? Shall we circularize the entire list of names in the *Directory*? That is expensive. Shall we restrict it to Association members? There is an Association resolution against that, though it could easily be rescinded. Is it to be sent to a list selected from personnel blanks on file with the Committee? That is what is done now, by personal letter.

I wish to emphasize that employers do not want a shotgun list, but one in which the considered judgment of the Committee plays an important part. I am the first to admit that this is arbitrary and imperfect, but at least it is a highly educated guess. I hope this panel works out a better method.

I have been charged on this account, of favoring my friends, which is too silly to merit comment, except to state that in placement work I recognize no friends. On the other hand, I think that the most important task of the Committee in placement work is the collection and keeping up to date of the fullest and most complete possible file of personnel data. This should be supplemented and reinforced by the personal acquaintance of the Chairman and other Committee members, necessary to give life to the often misleading facts presented on paper. To implement all this, the Committee and its Chairman should be entirely frank and revealing in recommendations to employers. If the Association objects that it should not in this way distinguish between its members, then it should abolish the Committee and its function.

The second placement function has been little publicized, but is vital in raising the salary standards and status

of the profession. This is the education of employers of librarians in what sort of personnel they should employ to keep up standards, how they should be treated, and what they should be paid. Here is how it works in practice.

Dean X writes in that he wants a law librarian. (Or the Department of Y, or the Z Bar Association, or what have you?) He fails to state the salary, status, sex, formal education, experience, age, prospects, etc. Then you write him (or you talk to him in your office, or over the telephone, or at an AALS meeting). He then demands qualifications equivalent to those of the law librarian of Congress, at a salary of \$3,000: a man, fit to be a member of the faculty on equal terms with all others, with ten years' experience, etc., and a library degree; then you carefully explain the facts of life to him, and end up by getting, after a month or two, during which the Dean has interviewed the President (or a similar chain of events in other law libraries), an offer fixing the salary at \$5,500, with faculty status.

It is my considered judgment that the most important part of the work of this Committee has been the patient negotiation with employers of law librarians, during which the economic and professional facts of life are explained to them, and the standards and salaries are raised all along the line. Most of the employers are not stingy or wanting to grind the librarian's nose in the economic dirt, but they are ignorant of library matters and need to be told. In this connection, an important part of the future Committee's job should be to collect

and digest information as to salary, status, etc. It should serve as a clearing house of such information.

I do not mean indiscriminate lists, which may do more harm than good. I mean statistics carefully weighted and analyzed, with a fair presentation of how salaries included were arrived at; part time and custodial jobs eliminated from consideration, etc. The harm an unweighted list can do to the salary structure is infinite. I know, for I have seen it happen.

I think the best way to collect and apply salary data is to determine for a given category or segment of libraries what salaries and status therein are, and use a synthesis of this information when a position in a like library is involved. General salary statistics are apt to be misleading or worthless, when not actually harmful. The reason for this is not far to seek: Higher-salaried people in the various categories won't, or are forbidden by rule to divulge their salaries, so you get an unfavorable picture, overweighted with lower salaries, which, when known to employers, depresses salaries. It is impossible, for time and space limitations, properly to analyze the statistics, taking into account titular librarians who are really custodians, part-timers, file clerks, and the like.

My own technique, which I think is effective but the results of which unfortunately can not be published, is to write to selected groups of librarians, stating why I want the information, and promising faithfully not to mention specific salaries, especially tops, or to identify individual libraries in any way. I have always respected

these confidences absolutely, which fact is known. However, before destroying letters of reply to my inquiries, I analyze the data contained, so as to remember medians, averages and lows, and then I use this generalized information in my placement work.

I use it in two ways: First, to prove to inquiring employers what they ought to pay in their class; and, second, occasionally to write to an employer who is far out of line, to inform him of that fact. As often as not, the situation is corrected. This, I think, is the most effective answer to the question of compiled salary statistics, because it has pinpoint accuracy. The use of this technique is by no means confined to the Committee, but may be employed by individual librarians who are in doubt as to their own standing, relative to other librarians similarly situated.

I wish to point out that the work involved is heavy. My own Committee correspondence entails the writing of about 250 letters a year, not including circulars, in addition to numerous telegrams and long distance telephone conversations (at my own expense), and endless conferences in my office on time that I can ill afford to take from my own duties. It is much too heavy a part-time load for any one committee man. Eventually, there should be a paid staff, headed by a person with a wide acquaintance with the profession and among deans and other employers of librarians.

With confidence, I now step aside from this panel and from the chairmanship of this committee, in the knowledge that the panel and my suc-

cessor will find a workable solution of the Committee problems.

EDUCATION AND PLACEMENT PANEL

CHAIRMAN ASHMAN: May I first present Miss Elizabeth Holt, Librarian of the Nevada State Library. Mr. Richard Dahl, Law Librarian of the University of Nebraska, and Mr. Ernest H. Breuer, Law Librarian of the New York State Library, Members of the Panel.

I think we all agree with Mr. Price's evaluation of the importance of placement to the members of this Association. We all deal with it either as applicants or as employers, and we are going to find it most difficult to fill the gap left by Mr. Price's resignation. You have probably read the recommendation of the Policy Committee in regard to this. Their recommendation 7 includes the establishment of a statistical and research bureau at the national headquarters to handle the problems of training and placement of law librarians, and the setting of standards for law libraries and the law library profession.

It seems to me that will be an excellent solution when and if we are able to implement it. In the meantime we must no doubt depend on voluntary committee work as we have in the past, and it seems to me now that we should try to determine for the guidance of the incoming officers and any new committee just what functions the Association members want this committee to perform, and what their responsibilities are.

Mr. Price's paper seemed to me to include two chief questions: First, how

can we combine the virtues of personal acquaintance with the resources of an adequate personnel file, and secondly, how can we educate the employers—I am sure he meant to include librarians as well as administrative heads—as to salary, status and so forth? Such matters as pension, retirement, all the factors entering into a particular job.

We are going to try to give all of you a chance to express yourselves on these points, but we would like to hear first from the panelists. I think we want to try to break down the questions into their component parts.

It seems to me that one of the most important questions about committee responsibility is the one Mr. Price mentions, whether the committee shall endorse the candidates, the recommendations for particular vacancies, or shall it endorse some which it knows, or shall it endorse none of the candidates? In my own opinion, if none are endorsed, you haven't much more than a commercial service.

Mr. Price says if we are not able to make a distinction between our members, we should abolish the committee. I would be happy now to hear from the panel members on this particular point, the responsibility of the committee.

MR. BREUER: On the question of recommendation, it seems to me that a placement committee is no different than a merchandising establishment. If you go in to Bonwit Teller and you ask them, "Do you recommend this piece of merchandise?" if they said, "No," I don't think any of us would buy it. You are not looking for bargains particularly when you are look-

ing for law librarians. Therefore, it seems to me that any prospective employer when he asks the placement committee, it is almost implied that you are not going to recommend any one unless you feel that person is qualified for the position for which you recommend him. If you give him six names and say, "Here, help yourself," why do you call on the placement committee in the first place? He might as well put an ad in the *Law Library Journal* or *American Bar Association Journal* and work it out on his own.

MR. DAHL: I am afraid I am going to be in the minority here. To me there seems to be a number of very difficult problems about recommending people for jobs. Perhaps I feel this very strongly because I am stuck out in the middle of nowhere in Nebraska, where I don't see any law librarians, and they don't see me.

I am wondering how, unless we find ten Mr. Prices, strategically located all over the country, who know us, how they can go about recommending us except just on the basis of the information we send in—how much experience we have had, what language we talk, what our degrees are and so forth.

I do think that perhaps a system could be worked out whereby persons desiring a major law library position could make themselves known to the chairman or to the committee, and perhaps those persons could be recommended for a job. But when we are spread as thin as we are geographically speaking, I think it would be very difficult to formulate a recommendation and be fair about it. We have

been fortunate in the past in having a man like Dr. Price who knows so many law librarians and who goes out of his way spending his own money, time and effort to get to know people.

I know in my own case he did just that. But I am wondering if there aren't some people in places like Nebraska and Beaver Crossing and Weeping Water and so forth who are completely unknown, who can't afford to come to these meetings, and if we are running a placement service, I think we ought to worry about them.

I do not feel that we have a black-and-white either-or alternative here. I can't agree with Mr. Price when he says either you give recommendations or don't have the system at all. I think there are other alternatives, and I think somebody can dig those alternatives out.

CHAIRMAN ASHMAN: Miss Holt, do you have any suggestions about the ways of expanding our service through that?

MISS ELIZABETH HOLT: I think all of us agree that we cannot replace Mr. Price or his wide acquaintance with law librarians throughout the country, and the idea has come up that what we need is a director of the committee or the placement service, and then regional representatives. How many, I don't know, and the people who talked about the idea have not been able to reach a conclusion. That is something we will have to study, but if the people in Nebraska, the people in Wyoming and the other areas where there are not very many law librarians and the libraries are small enough that the people do not get to conventions, if we had a com-

mittee representative in that area who will be able to go out and meet these people on a local basis, we can eliminate the difficulty of having people who never meet those who are placing.

I think all of us agree that a written record is not sufficient, and therefore, your regional representative or your committee would be the person that you could get to, that you could sit down and talk over the problem of your placement. Then that committee member can forward to the central committee or the director the information which would supplement the written record, such as the fact that this person, although his record is good, has difficulty in meeting people. I am sure that many of you know librarians who have that difficulty. That is the sort of thing that never appears on the record, and that is the thing that most employers are interested in finding out. Therefore, your regional committee member is the person who is going to investigate, not only people, but jobs.

There are many law library positions in the country that the librarians who know anything of the situation will say, "Don't take it." That is another point which should come in to the committee's records.

Now, I know that all of you have a great big question mark in your mind right now. Where does this information wind up, and that is something that we as a group are going to decide on. That is, who keeps the records? If the regional committee person sends in the record that there is a job situation here, but they have these difficulties, that record should be restricted. How

we are going to restrict it, and to what point is something which you are going to have to tell us. We throw this idea of your regional directors out with the idea that that is the means of continuing personal contacts which Mr. Price has made so worth while in his years of serving on the committee.

CHAIRMAN ASHMAN: There is another matter concerning the particular job situations which it may or may not be the responsibility of the committee to consider. That is, when an inquiry comes in for recommendations for candidates, should the committee check the local situation to see if there are qualified candidates already on the staff of the inquiring library before sending in names of outsiders, or is that beyond the province of the committee? The committee, it seems to me, also has some responsibilities along the line of recruiting, and we would like to have some discussion now of ways in which names of new prospects might be located.

MR. DAHL: This touches on two problems that are rather touchy, and that bother me a little bit. One is the business of law library jobs being given to non-law librarians. I admit that I am not very objective on the subject. I rather hate to see jobs that I might like to pick off going to a professor or to the wife of the professor or to some person who happens to live in the building. I am wondering if this is a trend. I am wondering if we have not sold the people who hire law librarians on the value of getting a person with law library training, with law library experience, and with a certain educational background.

Professor Price in the past has sev-

eral times mentioned that his chief difficulty is finding suitable personnel. What is this definition of suitable? Is the committee and/or chairman to set standards such as educational standards? We won't recommend anybody for a job paying more than \$6,000 unless they have a law degree or unless they have the ability to teach legal research or unless they have library training and so forth.

If the committee is going to decide, or if the chairman is going to decide what is suitable, I certainly would like to know what it is, and I think other persons who are interested in getting a job or entering the profession would like very much to know what it is.

I am a little bitter about this particular subject because I have just lost a first-rate assistant law librarian who was told: "You can never be more than a high-priced law clerk unless you have a law degree." He was going to law school taking one course. At that rate it would take him twenty years to finish for his degree. He didn't want to work as a law clerk for twenty years. As a result, I lost a very good assistant.

I didn't feel that I could come back and say: "This is a lot of nonsense, because I didn't have the facts." I could point to two or three articles in the *Law Library Journal* which said by all means you should have both degrees or even some people feel you should do graduate work in the field of law after getting a law degree. This was not the sort of talk that would hold my assistant law librarian. These are things I should like to have come out in the open and be published some place where I could put my finger on them.

If in our problems of recruiting, for example, we are going to get in touch with the library schools, as some people have suggested, we should be prepared to tell them what are the prospects for their graduates. Will they have to go on and get a law degree? If we are going to recruit from the law schools, we should be prepared to tell the young lawyers: You are going to have to sweat out a year of library school if you want a top job.

These things are well known to some people. They certainly aren't known to me because I am out in the middle of Nebraska, and I would like to see them written down and clarified.

CHAIRMAN ASHMAN: I think we have a lot of people out in the "Middle of Nebraska" or comparable places. Maybe we need to change the name of the committee to Education of Employers and Placement.

We haven't discussed yet whether the education and placement function should be completely separated. It does seem to me that placement itself is a huge task. Are there any comments from the panelists as to whether the education work should be a separate function of the Association?

MISS HOLT: Having served under Mr. Price for several years, I am thoroughly convinced that you cannot separate education and placement. One of the reasons I say this is because most of the opportunities to do education of not only the employers but also the librarians seeking jobs comes only when those people are either looking for a job or for a person to head their library. This ties in again.

with the idea of regional committee members.

As the requests come in for librarians for positions, that is the opportunity for the committee or the director to go out and do a sales job on educating both the librarian and the employer as to what is a good librarian, and this brings up Mr. Dahl's point. I don't think there is a definition of what is a good librarian because you have to apply the job to the librarian. You have a person who would be a good librarian in a law school, but they might not be a particularly good person for a law firm librarian.

Getting back to the question of education, many of our employers do not appreciate the job opportunities for law librarians, and therefore, they feel that they can ask for the requirements of the Librarian of Congress and pay \$3,000. Not many law librarians of Congress are going to work for that sum, and yet that job could be adequately filled by a person with fewer educational credits, and less experience. The employer does not know this until someone points it out to him. Now, that is where our committee, and that is where each and every one of you, can do a part of the job of education.

If you find out that there is an opening in your area, then you should see to it that the committee hears about it. If you know of a librarian who is looking for another job, then you should see to it that that librarian hears about the job, whether you do it directly by writing the librarian or writing the administrator who is hiring or whether you notify the commit-

tee. It is the job of each and every one of us to do education, to make deans, administrators, state librarians or whathaveyou know what they can get for the money they are paying, and therefore, we have got to keep education and placement together, but I agree you have got to get a larger committee and a committee which is spread out more than Mr. Price ever was.

MR. BREUER: I am authorized by the Law Library Association of Greater New York to inform the national Association that they propose, unless there is serious objection from the national, to organize their own education and placement committee in New York City on a regional basis.

We touched on this question of regional setups. I think I ought to point out that that is going to create a lot of problems. In other words, while Mr. Price was running the show, himself, I think we could trust to his integrity. Incidentally, what I am saying now doesn't necessarily reflect my own opinion as to what will happen, but the possibilities are there.

Suppose a position is open and comes in to the central committee headquarters? If the job comes from a certain area, I presume the letter will be called to the attention of the regional committee. The question is: Is the job going to be filled from that region, or if it is in Chicago will they consider a chap out in California or back in New York?

It is something we should not overlook because no matter what we do, we don't want to start bickering among ourselves as to whether or not there is favoritism to be played.

The other point I have in mind is what about permanency? We will hark back to the fact that we would like to have a national headquarters of our own with an executive secretary and possibly a placement director, but since we have to be realistic and realize there is no money nor in the near future can we raise it and endow ourselves, how will you have continuity on the committee?

Where will the files be kept? Will they be kept in central headquarters or divided up on a regional basis? What control will there be from the central placement director with the regional setup? You don't have a chance to see each other. You will have to do it all by mail.

It is true that committee members in the region have a better opportunity to know law librarians personally, and they can possibly evaluate. If they make the recommendation from their own region, what about the chairman of the placement panel? Can he override them and make his own recommendation?

The question of salary and status poses a very difficult problem because as pointed out, it is very difficult to get the salary standards of various law librarians. I have a suggestion that possibly we may get them by groupings, without disclosure of institution by name. Put it purely on a statistical information basis which then can be used in the educational process of deans or state librarians or court librarians, bar associations, in making their offering salaries.

Should we circularize deans of library schools and contact them as prospects? Should we send them litera-

ture about AALL and our placement committee? Should we send complimentary copies of the *Law Library Journal* to library schools? Should the Education and Placement committee have conferences with organizations like the Association of American Law Schools, the National Association of State Libraries, and so forth?

MR. DAHL: Mr. Price spoke about the problem of advertising openings, and I was wondering if an answer might not be to use the President's Newsletter, assuming that it is continued. This would be, of course, quicker than using the *Law Library Journal*.

I am wondering why the Association should assume the burden of expense of a placement service for non-members. It seems to me that by doing so, we are giving up one of our best selling points for recruiting members to join the Association. If we can tell people who are deciding whether or not it is worth whatever it costs to join, "Look, you are going to get top-notch placement service. This might mean a job for you some day," we will have a better chance of bringing them in. If the expense of contacting everybody who is a law librarian is so great, I think we ought to seriously consider limiting our services to members.

I thought it might be a good idea if we had written and published recent, up-to-date articles explaining to employers of law librarians just what a law librarian is, how he can benefit from them. Such articles can be reproduced very cheaply, and then distributed to people who hire law librarians. I am wondering also, in what ways besides recommendations,

can the committee help job seekers? For example, I would like very much to have been able to see a list giving the names and addresses of people who hire law librarians. I feel that God, Price and the committee helped those who helped themselves, and when I am looking for a job, I wouldn't hesitate to write to these people if I knew who they were.

I am wondering also if we shouldn't provide an employment booth service at the meetings of the Association of American Law Schools. This might be run by contact clearinghouse at AALS meetings. People leave notices. Joe Blow at Liberty and so on, and people who are interested in hiring come by, and they make their contacts that way.

If you have ever been to the meetings of the Association of American Law Schools, you have noticed a very interesting and an amusing custom of people sidling up to deans and talking out of the sides of their mouths, talking up and down the halls, interviewing and so on.

It seems to me we could and should do a better job than the law schools do on placement service. Some sort of booth idea, I think, would perhaps be a little more formalized than this business of trying to catch a tired dean in a hot hotel lobby.

I wondered if notice of service, when we decide what the services would be, could be placed in the *American Bar Association Journal*, *ALA Bulletins* and the *Journal of Legal Education*, and so forth.

Another suggestion I had, it seems to me that one of the problems is getting to know law librarians. I've had contact with a great many by

way of letter or reading articles they have written, but I have no idea what these people look like. I am continually surprised at meetings by finding tall men that I thought were short, and red heads that I thought were blonds and so on. One way of getting around this, allowing the committee and the law librarians to become acquainted with other law librarians, would be a Who's Who in Law Librarians, much like other association periodicals do, with a picture of the person grinning and a resume of what they have done, and why they did it, and why they are proud of it.

I feel in the past they have done that sort of thing in the *Law Library Journal*. I remember having seen it, but as I recall, it was usually the old guard, the people who weren't looking for jobs, who were well established, and everybody knew any way. I think maybe some of the unknowns, for example, ought to have their picture, and say: "Available" under it. *Laughter.*

MR. BITNER: I don't think that Mr. Price needs any defense, but I only wish I could assure Mr. Dahl that Mr. Price is as much concerned about the problem raised as any one. I can attest to this—that he has tried hard to get acquainted with every one.

About this matter of conflict, as to whether the New York Chapter and national chapter do the same service. Mr. Price was quite concerned about the fact that he will continue to receive many requests and inquiries for positions. These are all based on a matter of personal relationship. What then?

Further, the matter of religion: He

has given a great deal of time and thought as to whether he should or should not mention religion. When he handled this matter as a personal thing between himself and some dean or some employer, as he told you, he wrote this on plain paper. It seems to me that you may want to instruct your committee on that particular point. It is a minor matter, but one that has bothered him and needs to be clarified. It is becoming less of a problem all the time, and it is something the committee wants to be careful about, whether in writing an employer they offer the information or if it is asked of them, what is the procedure to be followed.

MR. JULIUS J. MARKE: There was a comment made about the possibility of a placement organization being set up in New York City. That was done with the realization that there were many requests addressed to local people in the City of New York for positions that were available, were open and also there was a knowledge of certain people on staffs interested in changing their positions. Somehow that information just didn't get around to a placement committee such as Mr. Price represented, and yet, Mr. Price is very well known in the City of New York as well as outside. So we thought that our committee in New York City could cooperate very easily with this national organization, and as I see it, unless you break it down now to a regional breakdown, plus a central directorship, there is really no conflict at any point. Certainly if there are qualified people around the country, no matter which region, they belong to, or work in at

the time, we would like to make the people available to prospective employers no matter which region they come from.

Mr. Dahl comments on the need for an educational process whereby the public in general realize what it means to become the law librarian. What is a suitable law librarian? You may recall we have a joint committee on library education. I am the representative of this organization on the Joint Committee, and it is our purpose, to make the profession in general aware, and as a part of the recruitment program, to make the American public aware of what is necessary to become a law librarian. As a matter of fact, I wrote a paper to that effect which appeared in the *Library Quarterly*, and which was commented upon here, and we had a special committee appointed for the purpose of commenting on my recommendations. So we are trying, and yet it is difficult, of course, to get this information over, and yet that is our only possible way of doing so.

Of course, we also have the Walsh survey which brought to our attention the fact that the better prepared you are, the better paid you are, and I think I will stop at that point.

CHAIRMAN ASHMAN: The St. Louis Chapter of the Special Library Association has an employment chairman who handles local situations and also a national office to take care of the St. Louis person who wants to go to San Francisco or New York City.

MR. MARKE: We have a problem here which is characteristic of every national association today. The ALA is trying to set up a placement com-

mittee. Over a period of two years they have been unable to come out with a report which is of some value to the profession. You find it true in many setups, and yet it is actually important to have this placement service to tie it up with that of education because at that point we start recruiting.

MR. VINCENT E. FIORDALISI: It may be an inference has been drawn that the Law Library Association of Greater New York at the present time has a placement committee. If that is the case, I would like to correct it now. There was discussion at our last meeting of the possibility of establishing a placement committee, and the concern was that it would not interfere with any plans that the national organization might have for a placement committee, but to coordinate and cooperate with it in every possible way if such a committee was established in the future.

The second point that I would like to address myself to is Mr. Bitner's concern over the question of religion by a placement committee. That is, as to whether a placement committee should indicate the religious affiliation of a prospective candidate. I think to a large extent the religious affiliation of a candidate gives the dean, or whoever it is deciding, an out. He will not normally send back and say, "What is the religious affiliation of the candidates so that I may make a selection on that basis?"

I differed in the past with individuals who specified religious affiliation, and in certain instances found there was no basis in reality for the separate indication of religion of these candidates.

I think that as a national organiza-

tion we should go on record instructing our placement committee, if there is one, that no mention should be made of the religious affiliation of any candidate for a position.

CHAIRMAN ASHMAN: If I understand Mr. Price's report, he gave that information only in answer to a specific request from the employer. Would you disregard such a request?

MR. BITNER: That is not so. He has volunteered because he feels that he might as well get that thing before them if they are going to find out one way or another, and perhaps we might as well save embarrassment of the candidates going down for an interview or some other way discovering this sort of thing won't be suitable for this particular law school or this particular library.

MR. FIORDALISI: My feeling on that score would be the particular dean or administrator of the library pursue the inquiry on his own hook rather than get the placement committee of the Association in the middle on the religious question.

MISS HOLT: Mr. Fiordalisi, I know of one instance of a small college with a law school which was a denominational college, and the instructions came from the board of directors that they should hire a member of their denomination, if they had two candidates, one of whom was not a member. Now, if that is listed on our questionnaires, and I imagine that is the point we are getting at, whether our questionnaires should ask for an indication of religion, if from the applications or the papers on file at the director's office it is indicated that they have six Baptists, and there is a Baptist college who has to have a Baptist

on their faculty or on their staff, then only the Baptists' names would be submitted.

I know that we all say that choice should not be made on the question of religion, but you still have institutions where that is required, and I agree with Mr. Price that if that information is supplied, you save the trouble of sending the names of six Episcopalians when they want a Baptist, and I can see there is no discrimination made between applicants on the question of religion if it is required by the institution that that information should be available without their having to write extra letters in order to get it.

MR. BITNER: I think Mr. Price would agree to that.

MR. FIORDALISI: I think an institution of such nature that would not hire a person unless he belongs to a denomination or particular faith can on the bottom of the letter of inquiry state that the policy of the institution is not to hire Protestants or Jews and to hire only Baptists, and if you are not a Baptist, you will not be considered for this position. I assume if I received a letter that only a Baptist would be considered for the position, I would cut my inquiry right there.

MISS HOLT: Won't you eliminate one step, however, where you have a school which requires a Baptist? They might put that on their application, but if the files on record have no indication, then you still write to six people and say there is a position open. But they require a Baptist. You have possibly wasted three letters because you don't know it.

MR. CARROLL MORELAND: I take it that Miss Holt and Mr. Fiordalisi are

not talking about the same thing. Elizabeth is talking about the questionnaire and information in the hands of the committee, whereas, Vincent is talking about the inquiry that comes to the committee from the employer. I think Elizabeth is quite right that religion or anything that is pertinent should be on the records of the committee, and I agree with Vincent that they ought not to be broadcast unless it is demanded, but I had some experience with two and a half years placement of our graduates, and it becomes an important matter in certain instances. There is nothing worse, from my experience, than sending a person to a job where there is a requirement which that person cannot fulfill, be it race or religion. There is nothing worse for him and nothing worse for the service than to send someone who is not acceptable for that reason even though it may be an unreasonable kind of requirement.

MR. BITNER: Would you demand that the employer specifically request that information?

MR. MORELAND: If the employer doesn't say so, I would say nothing about it.

MR. FIORDALISI: You have a question regarding the religious affiliation. You might want to follow several of the state laws. My feeling is there is no necessity for any one of us to inquire into religious affiliation of any other member and hold an application file of this type. I think if an employer asks for a person who is a Baptist, we can specifically say we do not know the religious affiliation of members. We have several qualified in every case. You can take the application blanks and make your own inquiry.

MR. BREUER: You can't throw the challenge at every employer. You have to be realistic.

MR. FIORDALISI: I don't know why you can't.

MR. LIONEL J. COEN: I don't know why you can't throw the challenge out at every employer. I don't think any organization of this kind should stand by and have prejudice of any kind.

MR. BREUER: I would almost be willing to go along with it. You have to consider the realistic attitude. If you want to have a true placement service and say "None of your business," they won't come back to you.

MR. COEN: We say it is none of our business.

MR. BREUER: Whom do you recommend, as Carroll pointed out? You are going to embarrass the man by sending him there.

MR. COEN: Let them make their own recommendations if it is so important to them. Let them make their own inquiries.

MR. FIORDALISI: You might help him psychologically. He will realize there are positions that a well qualified, competent person cannot fill because of religious affiliations.

MISS HOLT: I think we are all getting worked up over something which is a problem, but which basically is not something that we should be fighting among ourselves about. Do you as a group feel that the Association should say, "No, our questionnaires for job applications should not have an item on it asking for religion," or do you want to say that we will leave it to the discretion of the committee?

MR. FIORDALISI: In reply to Miss

Holt's question, I would move no questionnaire prepared by any group in this organization contain a question regarding religion.

Mrs. Gallagher assumed the Chair as President. The motion was seconded.

MR. DRUMMOND: Why have it only religion—race is a very important thing.

MR. HILL: I move an amendment to include race, creed and color, Madam President.

MR. FIORDALISI: I accept Mr. Hill's amendment as to race, creed and color.

PRESIDENT GALLAGHER: The mover of the main motion accepts the amendment. There being no objection, the motion now before us is that no questionnaire distributed by this Association relating to information about its members shall contain a question relating to religion, race, creed or color.

MR. BREUER: Madam President, in order to form the legislative intent, I think I had better ask this question. What do you mean by no questionnaire? Is that going to be only for the national, regional or any local group? I think we had better have an understanding of what we mean.

PRESIDENT GALLAGHER: This Association has no power over the regional.

MR. BREUER: You do over chapters. You charter them, and you have control over them.

PRESIDENT GALLAGHER: Does somebody want to take over the argument?

MR. DRUMMOND: Unless you amend the Constitution to that effect, I don't think you could control a chapter on that.

MR. STERN: I think any member of any minority appreciates any effort

for the protection of minorities. Nevertheless, I think we have to be realistic about this situation. I don't think that we here or that this Association can reform mankind. I think it is fruitless, well-meant efforts, to make any such resolution. If an employer wants to find out whether a prospective employee belongs to any particular religion, race, national extraction or whatever it might be, he certainly will find out.

MR. HILL: Madam President, I think the motion is made on principle. For one, I am willing to stand for the motion on principle. I think any one of us can make any separate investigation we want, and if we are concerned about it, we can find out all we want about the individual, regardless of what is or is not in the questionnaire. I wouldn't worry about what in addition somebody is going to investigate on their own. I am only raising it as a matter of national principle and national rights under the Constitution of the United States.

MR. WILLIAM POWERS: I think we are overlooking some of the economic facts of life, and that is, that every applicant for every type of job faces the problem that he should realize there is such a thing as discrimination in one type or another, and that one individual, although equally well qualified on a technical basis may not receive employment in a particular national place. I think the question is whether or not the Association should have that as a part of their function or a part of the applicant-employer relationship. I think that any employer, wherever his denominational school requires some one of a particu-

lar denomination, will make that fact known to any applicant at some step in the process. What we are primarily interested in is finding one or more individuals who have the technical qualifications to fill the job.

I think regardless of anything that is done here, that the employer in turn will pose that question somewhere along the line of inquiry. I don't think any of us are so thin skinned that we are going to suddenly collapse and die because of the fact we planned on a member of one denomination who might not be acceptable in the functional affairs of another denomination. That is a matter of common, human experience.

The vote being 56 in favor and 32 against, the motion carried.

Questionnaires distributed by the Committee on Education and Placement under the Chairmanship of Miles O. Price have never requested, directly or indirectly, information concerning race, religion or color.

Miss Ashman resumed the Chair.

CHAIRMAN ASHMAN: We haven't answered Mr. Price's request for discussion of the handling of the statistical reports and information about salary status. He hoped a good deal of time would be given to that.

MR. BITNER: I wonder how many of the law librarians that are now present have received general inquiries about positions and are asked to make recommendations? *Show of hands.*

It would seem to me in that case that perhaps this committee ought to be rather a national one, and the regional grouping would be one of the best things.

MR. DRUMMOND: I think the re-

gional thing is almost working now any way. I would say weekly I receive inquiries both from employers and people seeking positions. In every case if I knew of something, I told them. In every case I told both the employer and the employee to write to Mr. Price as chairman of the committee, and I think that probably the largest law library in an area would get more inquiries than another one, and even though that person might not be the regional representative, he could still forward all the information to whoever is in charge.

With regard to the responsibility within the committee, it seems to me there is no solution except to have an extremely strong head, one director who, whether he can fill Miles' shoes or not, has to try to do it in the best way possible. I think in that way you will certainly avoid any question of an outsider thinking we are bickering or making wrong choices or that sort of thing. It has to be a person respected by both the bar and by law schools.

MR. ARIE POLDERVAART: Over the years I have had a number of inquiries from young law students about the time they are in their senior year, wondering whether there might be a law library opening somewhere. If our committee functions, it would be very well and wise for it once a year to send out a memorandum to the law schools inviting any law students who are interested in law library service to write the committee or discuss the matter with the local law librarian. What deters them now going into the work when they are about ready to get their degree is that they have to spend an-

other year in library school to get a better paid position. If the matter is called to their attention earlier in their law school work, they can go to summer school perhaps during the law school term of three years or so spent in law school, and by the time they get out, most of the work on their library degree is out of the way.

PRESIDENT GALLAGHER: We will have to draw the discussion to a close. I wish to thank each of the participants and particularly the panel members, and I would like to move a rising vote of thanks to Miles Price for all the work he has done for us over the years. *Standing applause.*

The meeting recessed at four-thirty o'clock.

WEDNESDAY MORNING SESSION

July 6, 1955

The Third General Session convened at Breasted Hall, University of Chicago, Mrs. Marian G. Gallagher, the President of the Association, presiding. President Gallagher introduced the Chairman, Carroll C. Moreland, who introduced the Moderator, Vernon Smith. The Moderator introduced Miss Frances Farmer, speaking on "Alumni Gift Promotion."

LAW LIBRARY FUND PROMOTION—A PANEL

MISS FARMER: It so happens that our law library furnishes an example—perhaps not a *unique* one but, at least, a *conspicuous* example—of a successful expansion program attributable in large measure to alumni support. The *figures* are impressive. Within the space of a relatively short

time, roughly fifteen years, our collection was expanded to $3\frac{1}{2}$ times its original size—from a collection of 30,000 volumes to one of 110,000 volumes; our annual appropriations mushroomed to more than eleven times their original figure—from \$2,000 to \$23,000; our staff increased from 2 to 8 and, quite apart from supporting this program, our alumni contributed in books and money an estimated \$160,000. In citing these figures I am not attempting to blow our own trumpet or to suggest that the harassed librarian is a quasi-genius. I have been simply the enthusiastic beneficiary of a widely based program that was itself animated by careful and imaginative planning, followed by energetic execution on the part of the administration and the alumni. Now, of course, despite what we Virginians (like Texans) may think of ourselves, we are *not unique!* And so, I have attempted to reflect on our experience in order to lift out those elements that seem to me applicable generally. What were the principal factors that made our program tick? And, how can they be applied elsewhere?

I believe there are *three* key factors, and of the three, the most important is the first. The first is summed up in a tattered old word—a much abused and threadbare word—"leadership." I do not mean *librarian* leadership—I mean *alumni* leadership. The qualities of a leader are many, but chiefly they are reflected in the capacity to get other people to do the work.

The real clue to an alumni program is the selection of a *few* key alumni—not over two or three. These alumni must be men (not women, of

course!) who command the respect of all the others—the real big shots. In addition, the leaders must be willing to do an organizational job—particularly, a regional job. Here is where the librarian must obviously enlist the enthusiastic support of the administration. But it is absolutely essential to have a few top flight alumni dedicated to the program. Partly as an inducement to these men—to convince them that the program will not overwhelm them—it is necessary, as well, to have a thoroughly constructed plan. And this brings me to the second point.

The chief factor in our scheme has been its *regional* pattern. It was seen that our two or three key men in New York needed committees in cities and states throughout the country. The selection of the regional committees (and the importance of care in their selection needs no underlining) was the object of very thoughtful joint analysis and discussion. It was through these regional committees that the local memberships in the Association were enlarged and it was through them that bibliographies of local state materials, wanted by the library, were channeled and in turn provided. In some instances where no exchange arrangements had theretofore been available, these groups were instrumental in encouraging and actually making possible this sort of thing. In most instances these men were glad to serve because they were loyally attached to the Law School and because they were flattered to be identified with the other individuals on these committees. To be sure, adequate publication was provided.

In addition to the duties previously mentioned, the committees within the State of Virginia performed another function, and this is the third of the key factors. By a patient selling effort on the part of the school and the library, they became convinced that the needs of the library were not secondary but paramount to all others at that time. Each committee then served as a little propaganda island in the state and, as such, their influence was felt in the legislature. You will readily understand that in selecting the committees those doing the job were not altogether unaware of the peculiar virtue of picking a number of those who sat in the General Assembly!

Now, all that I have said may seem simple and quite trite. It just sounds like the same old game—a bunch of committees and a little whoop-la. Believe me, it is not quite as simple as it seems. We kept in constant, indeed in continuous, touch with the key leaders and it was they who energized the business. Once aroused, their interest manifested itself in many diverse ways. Thus they were prepared to supplement the Dean's and Librarian's reports with special documented studies and they were prepared, and did appear personally, on innumerable occasions before the legislature.

I spare you additional details and turn now to the lessons to be drawn from our experience. Is it unique? I do not think so. It is true—and if I should be boasting just a little, you will forgive me—that our law school is both a *state* and a *national* law school. As such, we enjoy certain advantages that are linked to any state supported institution which also has

a wide dispersal of out-of-state alumni (only about 30% of our students are from Virginia). But, fundamentally, the major factors which made this plan move are common to all law schools.

Indeed the notion that *private* help is, or should be, the peculiar monopoly of *private* schools, if I read the record correctly, is largely a myth. Other members of the panel may have something to say about this and I do not want to trespass upon their ground. Yet in poking around in some materials on the subject my attention was arrested by the statement from the president of one of the larger public institutions in reviewing recently the contributions made to his school to the effect that "Private philanthropy is our American antidote to educational mediocrity. It is a needed tonic in both *public* and *private* institutions of higher education. If it is withheld from public institutions, the result may well be calamitous to the general welfare of the nation . . . Our nation, based on free enterprise and government by free citizens, has met the challenge of other economic systems and dictatorships by the extension of opportunity for higher education to every young person who merits, deserves, and seeks it."¹

Alumni of American institutions are becoming increasingly aware of this situation and that they are meeting this responsibility is fortified by statistics published in a recent issue of the *American Alumni Council News* covering a survey of alumni funds for

1. CALIFORNIA. UNIVERSITY. UNIVERSITY AT LOS ANGELES. GIFTS TO THE UNIVERSITY . . . 1919-1954 v-vi (1955).

the year 1954 and also pointing up the growth in alumni fund giving during the past fifteen years. Last year a total of 791,000 alumni contributed over \$21,600,000 in *annual* gifts to 352 funds, and a grand total of \$62,900,000 in *all* gifts to their schools during the year.² Evidence of the steady advance during the last fifteen years is reflected in the table which shows that in 1937, 86 alumni funds contributed gifts amounting to roughly \$2,800,000 as against the \$21,600,000 from 352 funds last year. That this is a source of even greater potentialities is indicated by the fact that the number of degree-granting institutions in the United States is *four times* the number reporting in last year's survey. Only 68 colleges reporting had received contributions from 30% or more of its alumni. Average participation in the 352 funds reporting was 20%.³

I cannot close without stressing three additional points. An energetic, well conceived plan of enlisting alumni interest tends to step up the sense of vitality and purpose within the walls of the law school. The sheer fact that busy men take the time and display such sustained interest is itself a stimulus to those who are associated with the work.

It must be kept constantly in mind, that to sustain this interest is definitely the responsibility of those within the library and the law school. The old and time-worn method of repeated requests for dues or contributions has long since been discarded,

having done far more harm than good. News of what is taking place, what the library and the school is contributing toward the development of legal education and service to the Bar will often enlist not only the enthusiastic interest of an alumnus, but will awaken him to the need and part that *his* contribution can play in a particular effort.

Finally, it is well known that *identification* is the clue to giving. To be identified with the law library is attractive because it is concrete. The library has an open field for attracting the interest of the Bar in providing better and broader services. We have been concentrating on this feature at Virginia and believe it has been effective. The identification then spreads out and the law school itself becomes a beneficiary of the habit of giving. At least, we think we can see that this has been the impact of a plan which, commencing with the library, has now spread to include a Law School Foundation especially established to provide support for all phases of law school endeavor.

Moderator Smith then introduced Professor Albert Blaustein who spoke on friends of the library groups. This paper will appear in a future issue of the Law Library Journal. Moderator Smith then introduced Mr. Arthur Pulling, speaking on experiences in three law libraries.

MR. PULLING: Vernon has asked me to tell you something about my experiences in making friends and influencing people to contribute to the growth and enrichment of law libraries, with perhaps a bit of true confessions along the way. As you

2. *The 1954 Alumni Fund Survey*, Amer. Alumni Council News, April 1955, p. 28.

3. Pollard, *The Alumni Fund*, Amer. Alumni Council News, April 1955, p. 5.

know, I have had experience in three such libraries: Minnesota, Harvard, and Villanova.

Now at Minnesota we had no Friends of the Law Library Organization and no effort was made to ask alumni for cash contributions. However, we considered all alumni at Minnesota our friends. Many of them became members of the legislature; many of them donated books or sets of laws and in so doing helped make the University of Minnesota Law Library the great library it is today. We welcomed the support we received from members of the faculty. I should like to mention especially the unfailing encouragement given us by Professor Edward S. Bade.

I must confess, in passing, that I did succeed in attempting to interest members of other departments at Minnesota in the Law Library. Take one example: we suggested to the History Department, that Year Books and sixteenth century law books were important for research. Dean Guy Stanton Ford, head of that department agreed with us, and the money was forthcoming for the purchase of those books. One result of that was the noteworthy book on the Magna Carta by Miss Faith Thompson. Faith came to the library day after day and read those Year Books aloud to herself. She said that was the only way she could read the Norman French, abbreviations, etc.

Now, let's skip Harvard for the moment and talk about Villanova. As you know, our school is new; opened its doors September 1, 1953 with no library and needless to say we won't have alumni until 1956. The Univer-

sity has started a campaign to raise \$25,000,000, and we are going to break ground for our new \$1,000,000 law school building September 22, so it is out of the question to make a drive for library funds. Our appropriation for books is of a necessity not large—our wants, our needs unlimited. But let me tell you, as one visitor recently said, "A miracle has happened." In addition to cash contributions, we have received thousands of volumes as gifts, many more sent on exchange. It's heartening that the fledgling library has so many friends. Philadelphia lawyers have been most generous; members of our board of consultants have been diligent on our behalf; many of you here have sent laws, reports and legal documents from your states. We deeply appreciate it and thank you all. And, let me say, that when you reach the retirement age, start a new library—it's a challenge and a fascinating experience.

Now Harvard is in a different category. It was started in 1817, wasn't it? It has a long history. My first work in a library was at Harvard under the tutelage of John Himes Arnold, that great law librarian, who with the help and encouragement of such library-minded men as Dean Ames, Professors Beale, Williston and Gray, laid the foundation, was the architect, of the great Harvard Law Library.

I sat at Mr. Arnold's elbow and watched him scan catalogues for rare books and, on finding one such, consult Dean Ames and Professor Beale. If funds were not available in the budget (and what library has sufficient funds in its budget to purchase

the rarities, the treasures that come to light in the book seller's catalogues) sometimes Dean Ames would pay for the find. Many times Professor Gray would say, "Send the bill to me." The Olivart collection of International Law was bought in those years; a little later Mr. Beale negotiated the purchase of the famous Dunn collection of early English law. The money required for the purchase was a gift. It was an education to work with those truly great men.

Called back to Harvard in 1942, a war year, I found that students were scarce and funds for buying rare books non-existent. There had been a group of Friends of the Library organized in 1932, but it had gone out of existence. Having worked so closely with Mr. Arnold and the others years before, and feeling that the Harvard Law Library should be a world center for legal research, the urge was strong to add to its resources. How should we proceed?

First, we sent a letter to a group of 200 alumni, good prospects, stating that our purpose was to acquire rare books but that we lacked the funds. The response was immediate; the amount of money that came exceeded our fondest hopes. Encouraged by this, we put on an exhibition of our new acquisitions of rare books at its March 1944 meeting for the Committee to visit the Law School (that is a group of prominent lawyers appointed by the University) whose duty it is to visit the school periodically and report to the Board of Overseers on the state of the school. Before the meeting began, the Chairman of the Committee asked us if there was a rare book avail-

able which we thought should be added to the Library. A copy of the Decretales of Boniface VIII printed by Peter Schoefer, at Mainz, in 1473 was suggested. At the meeting the Chairman spoke of the Boniface and recommended that each visitor send the Library a check for \$100. One member not only sent his check, but stated that he would give us annually money to buy a book costing \$250 to \$300. He added "subject only to death or taxes." His yearly gifts frequently amounted to \$500 to \$600.

Next it was decided to write to all Harvard Law School alumni inviting them to become "Friends of the Library." By the way, the morning these letters were to be sent out, a retired minister who frequented the Library, came in. (His visits to me began after I sent him a sharp letter saying he must discontinue his practice of having his personal purchases of books bought in Canada sent to the Law School to avoid customs duties.) I handed him a copy of the "Friends" letter. He took it home and returned in the afternoon with a check for \$500. Every year thereafter he sent us a generous check.

Again, the response to our letters was rewarding, so much so that within a few years our incunabula collection had increased by 300 volumes, our sixteenth century material by several thousand and valuable additions had been made to our manuscripts and Americana. It soon became evident that certain alumni were vitally interested in the welfare of the Library and would contribute, when called upon, a few hundred dollars for special purchases.

At one time a bookseller offered us an option on some early New York session laws at \$250 a session. Six of these were marked "not found" in Miss Macdonald's check list. The Dean of the Law School was out of town and could not be reached. I took up the option on my own responsibility and wrote about 20 letters to Friends. Within five days eight checks came in for \$250 each. Another time we needed a substantial sum to pay for an "A" copy of the first edition of Grotius, *War and Peace*. A letter brought a check for \$1,000.

Some manuscripts came in from England. They were said, and later proved, to be unpublished works of William Lambard, who wrote in the sixteenth century. These manuscripts came in on approval and the old question: where to get the money to pay for them? The name of a man, not an alumnus of the School, (a man whom you all know) came to mind. A letter was sent to him and a check for the full amount was received by return mail.

One of our friends in his high school days had to write a paper on the Magna Carta. He offered to buy for the library any rare copy of the Magna Carta, or any manuscript on the subject that came on the market. One day a fine manuscript of the Magna Carta was offered at auction in New York. We notified our Friend. He became enthusiastic and instructed us to bid it in. We got it.

Oh, the Harvard Law Library had many, many men interested in its growth and welfare—faculty, alumni and other friends.

In 1942 our rare books were housed

in a basement vault, a dusty place, located over a heating tunnel. The Director of Libraries at Widener quite properly notified us that better accommodations must be found for the books or they would have to be removed to the Houghton Rare Book Library. The efforts of Acting Dean Edmund M. Morgan and Professor John M. Maguire were responsible for putting the idea across that we must have a Treasure Room in Langdell Hall. There was just the proper place to build one in the north end of the reading room. Dr. Keyes D. Metcalf, Director of Libraries at Harvard, did everything in his power to help us in the formulation of our plans. It was war time, materials were not expensive, so we started off with plans, modest ones, to build such a room costing \$30,000.

We asked an alumnus for a gift of \$25,000 from his organization. He didn't say yes or no. In the meanwhile costs were mounting; our ideas were expanding. Some time elapsed and then one day our alumnus came to the School to present a portrait. After the ceremonies, he asked if the Library had a copy of the Simmons report; he had tried to obtain it from abroad for over six months. We replied, yes, we had a copy. We found it and dispatched it to his office. Still later at a dinner party, he remarked, that in five minutes after inquiring for it, he had a copy of the Simmons report in his hand and that The Law Library deserved a Treasure Room and he would set about to raise \$100,000 for it. A brochure was printed describing our plans. It was distributed to the membership of the Harvard Law School

Association and our Treasure Room became a reality. Many of you have seen it.

Now you will gather from what I have said that conditions vary at different libraries and that there are men and organizations eager to help these libraries. I like the first definition of a "friend" in the Oxford Dictionary: "one joined to another in mutual benevolence." May you have many such Friends.

CHAIRMAN SMITH: A number of libraries have a very nice working arrangement whereby they are able occasionally to call on one or two individuals, perhaps more, for special financial assistance in the purchase of particular books or sets. Suppose the library has a chance to buy a copy of the first edition of Statham's *Abridgement* but simply cannot afford it. Of course this would be a distinguished acquisition. The librarian then seeks the money from persons he thinks will be interested and generous. It is not unknown for a friend to have told you he would be glad to assist in such instances. In that case the pursuit is easy. If you have to start from scratch it's a different story. Who are the best prospects? Probably those lawyers who are buyers of fine books, collectors themselves. In the first place they are not overwhelmed by the fact that "just one old law book" should cost so much. Secondly, they will have some appreciation of the quality of the acquisition. How do you find out who are collectors? Mostly random conversations with local book dealers. The first plunge is difficult and should be made on behalf of a solid purchase. Once made, such contacts may be used

again and you may enlarge them. Needless to say, tact and discretion should prevail.

But suppose what you want is something more—you want a library fund and are seeking an angel. I think it is quite difficult to secure a gift merely for the purchase of books. The ideal, of course, is such an unrestricted fund, but this is hard to sell. It is easier to secure support for the development of a subject-field but you must be sure your area is large enough or else make sure of the terms.

One's personal interest often may not be reliable in determining what may interest others. I have made several attempts to steer available money into a fund for the purchase of periodicals of general interest and appropriate to a recreational reading room for law students—Time, Harper's, Fortune, Atlantic, Newsweek, etc. No one likes the idea.

Donors of funds like to feel they are not merely substituting their support for support theretofore received. In the case of tax-supported institutions this is particularly true. I should not wish to give money that would not especially benefit the library and allow it to do something more, to enhance its distinction. Donors are not keen about merely reducing the load on the taxpayer. Theoretically this may be accomplished by providing that the fund shall be used for the purchase of books which might not otherwise be purchased on normal or usual appropriations. If a subject-field is to be prescribed, a provision therefor may be added.

But let me warn you that unless your special funds are budgeted sepa-

rately from your regular book budget, you may find that the budget making authority next year has subtracted your estimated new endowment income from normal appropriations with the result that you have gained nothing. It is easier to keep this from happening if a subject-field is expressed.

There are donors who are building endowment funds by annual contributions. Although there may be doubts about the legal obligation to continue such payments, I think it is wise to provide in such cases for a specific amount toward which the donor is building. Even though the donor is not legally obligated to make future payments there is a moral obligation to do so. If such a fund is to be an endowment fund where the income only is to be used it is highly advisable to provide that if the total amount is not paid, then the principal or the income may be used. Otherwise you may find you have a fund from which the income is too small to be effective owing to the inability of the donor to maintain his payments. A complete arrangement along these lines would include a clause in the donor's will providing that if during his lifetime he has not contributed "X" dollars to the fund then in that event he bequeaths sufficient money to make his total contribution "X" dollars.

During the time the donor is contributing to the fund, you will have the benefit of the income earned from it. This will grow in amount as the principal grows. Do not fail to give the donor an annual report on what you have done with the money you have spent. If possible, make this re-

port a short time before the donor customarily makes his annual contribution.

If you are offered a special collection you should strike for a fund to maintain it. You will be dealing with a person whose interest is manifest and the arguments for such a fund are obvious. In fact, you will be remiss if you do not make this effort. Libraries are full of dead-ended special collections accepted without adequate funds to maintain them.

You should keep your law school administration fully aware of your special needs and how they may be met. Not infrequently the Dean is asked what the needs of the school are and how he would wish to use a stated sum of money. Your needs, in terms of priority, should be on file and should be stated in persuasive language.

Finally, you should have clearance from your superior authority before approaching donors. Frequently there are institutional regulations about this.

Forms of recognition of gifts. Libraries are able to give public recognition to gifts in a very effective way through bookplates. This has always seemed to me a distinct sales advantage for gifts to libraries. Moreover, a gift to a library can be in any amount while it takes a substantial sum to support most other gift objectives. Even though the sum is small and is wholly expended, it is replaced by books upon the shelves which perpetuate the donation through a gift bookplate.

If the sum is large a printed bookplate may be used. At Berkeley we use

our standard plate, typing in the name of the donor where only a *few* books are involved. For endowment funds we use a printed inscription. A donor will appreciate receiving a proof of such a plate before it is finally printed. And some copies after it is printed. The inscribed bookplate is not only a recognition of the gift, it is advertising and a subtle promotion as well.

In the case of significantly large gifts for special purposes, carefully developed and dignified publicity is not only appropriate but is a low pressure means of suggesting to others that they too may contribute to the cause.

Miss Jacqueline Bartells, then at Stanford, Miss Hazel Reed, at Hastings, and I have a joint donor. He is making annual gifts toward a \$20,000 fund at each institution. Recently we prepared a printed and framed statement of appreciation of his contributions to the upbuilding of library resources in the San Francisco Bay Area. A presentation ceremony was arranged and note was made of it in the press. The alumni magazine at Berkeley carried a picture and a story.

Book exhibits can be used as a means of telling patrons that people do give money and books to the library. I do not mean that the purpose of the exhibit or the choice of the books is governed by the desire to promote gifts. On the contrary. But if in an exhibit you show a special treasure that was acquired by a gift, the facts may be indicated by a brief statement on the description card.

Law school catalogs are another place where the law librarian may list supporting funds and significant gifts.

University gift lists also provide a means for publicity. Annual reports of librarians are a further means for dissemination of information, assuming that these achieve substantial circulation.

These are all a kind of indirect means of promotion; a promotion by suggestion and the creation of an atmosphere. Their effectiveness should not be exaggerated and I do not want to leave the impression that they are positively productive nor that they take the place of effort through alumni and other organizations. And they do not take the place of a direct approach to a potential donor. But most of these activities would be carried out anyway and may be slanted to emphasize the fact that the library is open for gifts.

The technique of publicizing gifts received and thus encouraging others is being used in an interesting way at the University of California. There a series of books has been issued reviewing, in terms of appreciation, the substantial private contributions over the years to various university purposes. The first was devoted to scholarships and fellowships, the second to endowed professorships, the third to gifts for research. A fourth will deal with gifts of money and books to libraries. These brochures are a record of the role philanthropy has played in the life of the University. The one to be devoted to libraries will be, I believe, the first attempt to appraise the significance of private support in the growth of library resources in an educational institution.

Although not a subject properly under the heading of "Forms of

Recognition of Gifts" I should like to insert here a reference to the frankly promotional literature issued by many educational institutions. Such brochures are intended to stimulate giving. Usually they will say something about gifts to libraries, and speak in terms, or inferentially only, of the general or University library. You might study the booklets or other promotional literature of your institution to see whether or not some reference to the law library may be made in the text.

Gifts and bequests and taxes. A rather considerable emphasis is placed in some gift promotion on the tax advantages of making gifts. Thus in some promotional literature you will find tables showing how little it costs to make a charitable gift or a bequest. The appeal is pitched on the thought that it really only costs the donor a fraction of a dollar to give a dollar because of the charitable gift deduction allowed under income tax laws and the fact that for estate tax purposes charitable bequests are deducted in determining the taxable estate. In the case of the income tax, within the limits of the deduction allowed, the cost of a gift per dollar is indeed spectacularly low for a person in a high bracket. And there are ways by which a gift may be made and the donor come out money ahead!

Whether or not the tax aspects of giving shall be exploited and the extent of the emphasis to be placed on it are matters of technique, of taste, and of appropriateness. I personally believe that the tax angle is quite secondary and that any appeal for funds must be based primarily upon

other considerations. My view is conditioned by the fact that I am employed by a tax supported institution and believe that it is somewhat inappropriate for such an institution to emphasize how a person can save taxes by making gifts. Nevertheless, there is no reason why, even in the case of the tax supported institution, promotional literature should not state the basic facts; that is, that gifts to the law library are deductible for tax purposes.

As this group represents various types of institutions you should ascertain for yourselves the status of your library, tax-wise, because you will be asked if you seek gifts. Specifically, are gifts to it deductible for tax purposes under the Federal Revenue Act of 1954 and comparable state statutes?

Complex tax questions you should refer to counsel skilled in the field but there is one tax procedure that should be kept in mind. Where a gift of property (stock, etc.) is involved which has increased in value while in the hands of the donor, the property itself should be given. If it is first sold by the donor and then the proceeds given, the donor will have a capital gains tax to pay. But if the property itself is transferred he takes a charitable contribution deduction for the full present value and the charity may convert the asset to money without incurring a tax. On the other hand, if the property has declined in value, the usual course would be for the donor to sell and take such losses as may be applicable, turning over the proceeds to the charity.

Legal problems in gifts and bequests. A few points may be listed.

1. You should know the proper legal designation of your institution or the agency to which gifts and bequests are addressed.
2. You should know of any state statutes limiting the amount which may be left by will for charitable purposes or which impose time limits on such bequests. Probably in most instances your institution is exempt.
3. Are there special provisions of local law forbidding charitable trusts?
4. If the gift is intended to establish an endowment fund there ought to be a provision allowing the fund to be commingled with the institution's investment funds.

Hazards, or Looking the Gift Horse in the Mouth. Gifts can be a very great headache if they impose burdens which must be borne by existing overworked staffs, if they increase costs of operation which are charges upon already stringent budget items such as for supplies, binding, etc., or if they engage you in programs afield from proper interest. It is extremely important that the gift of any substantial sum be sufficiently general to permit its expenditure for personal services, supplies, binding, and so forth.

Usually the requirement that a collection shall be separately housed or shelved arises in connection with a gift of an existing collection of books but it may arise in a proposed gift of a special fund. Your physical arrangements may be such that you can live with such a condition but your successors probably will curse you. Avoid it if you can but if there is insistence and, upon balancing all of the arguments pro and con you decide to ac-

cept, by all means try to get an escape clause. By this I mean a clause which would read: "If, in the future it shall be found impracticable to house this collection separately the Regents shall have authority to make other arrangements for its shelving and disposition."

Endowments and donation funds.

There are differing opinions on the question of whether educational institutions (and other charitable organizations) should seek endowment funds or whether they should exert their major efforts to obtaining expendable moneys. The endowment fund, strictly speaking, is a permanent fund which is invested and only the income used for the purposes specified. It is pointed out that the investment return on endowment funds is so low that it takes very substantial sums to produce significant income. As a result unreasonably large sums of money are tied up which could be put to more effective use now. An endowment fund, it is argued, presupposes a prophetic knowledge of what the needs of future generations will be. Better it is to spend the money on present known needs and when it is gone, seek more.

The permanence of an endowment fund appeals to donors, however. And the fact that the principal of the fund cannot be invaded is assurance that the money will not be spent on some current fancy of the library administration or the faculty.

A middle ground may be taken, though, by a provision in a gift allowing the income or the principal and income to be used. Probably most universities maintain general invest-

ment pools in which such funds may be invested. Where a fund such as this which may be treated either as an endowment fund or as an expendable fund is accepted for investment in such a pool it attains a status of semi-permanency because you usually are not allowed to withdraw principal except upon substantial advance notice. In this way some of the protection against hasty expenditure is obtained and at the same time the fund is there for total expenditure if that appears to be the wise move.

Incidentally, you should learn something of the way your institution handles endowment and donation funds. What is the rate of income earned on investments? Is there a general endowment pool which includes, for purposes of investment, the institution's endowment funds, each individual fund participating in the earnings on a pro rata basis?

Some Facts and Fallacies About Gift Procurement. Perhaps we might well close this discussion with a brief reference to some facts and fallacies about gift procurement. In this I am paraphrasing material presented in a brochure prepared for members of the Columbia University Development Program in 1949.

These are the fallacies and the facts:

1. *That solicitation is the most difficult work*

The idea that gifts and bequests are secured by determined men who go out and practically wrest them from donors is completely false. The most important work in gift procurement is building the desire to give on the part of donors and creating an atmosphere favorable for gifts and be-

quests. Donors must be convinced that your institution or organization is doing a job they want done. They think in terms of "investment" and not in terms of "need".

2. *That gifts from the public are windfalls*

There is always some reason why a person gives. Windfalls exist rarely, if at all.

3. *That high pressure drives produce the most money*

Endless examples can be cited of universities and other charitable institutions which have carried on pressure drives, and the results are always the same. Each pressure drive must be succeeded by another drive, with consequent periods of elation and depression, and increasing donor resistance. The super-drive technique may be all right for the Red Cross or the Community Chest but it is not best for most institutions. Far more money is secured through continuous programs. Alumni programs are a type of continuous program.

4. *That publicity will produce gifts*

Publicity is important in creating an atmosphere favorable to giving. Well-printed brochures help procure gifts but they can do only part of the job. They can show the potential donor the possibilities and they can acquaint him with the major facts, but in addition to these things there is needed a personal presentation of the project.

5. *That donors give "to aid humanity" and expect no return*

Donors are human beings. They expect some return in the form of approval by their fellow human beings, some measure of perpetuation of

themselves, joy of accomplishment, being part of a worthwhile enterprise. The institution should keep in touch with its donors, should invite them to ceremonial occasions and facilitate their participation in other activities.

6. *That philanthropy is drying up*

The huge gifts, of a million dollars or more, are fewer than they used to be, but the medium sized and moderate sized gifts more than make up for them. The trend in philanthropic giving over the years is definitely up.

7. *That people who give money are hard to approach*

People are not difficult to approach, if they are talked to by persons whose judgment they respect. There are large numbers of people who are continually on the alert for gift opportunities. It is not necessary to enlist the aid of "big names"; a hardworking person with extraordinary application to results is more important than an eminent citizen who merely lends his name. The greater results are obtained by persons who are thoroughly informed about their project and who, with great sincerity and high motive, are able to convince donors because of the depth of their knowledge and belief.

The meeting recessed at twelve o'clock.

WEDNESDAY LUNCHEON
SESSION

July 6, 1955

The meeting convened in the Quadrangle Club, University of Chicago, at one fifty-five o'clock, with Mr. John C. Leary, presiding. The members were addressed by Dean Edward H.

Levi of the University of Chicago Law School and Mr. John C. Cooper of the American Bar Research Center. The meeting recessed at two twenty-five o'clock.

THURSDAY MORNING
SESSION

July 7, 1955

The Fourth General Session convened at nine-fifteen in the Grand Ballroom, the Drake, with Mrs. Gallagher, President of the Association, presiding.

PRESIDENT GALLAGHER: We have an item of unfinished business. The Report of the Nominating Committee had not been completed at the time we took our recess on Tuesday. Before the Nominating Committee Chairman returns to the platform, the Executive Board has authorized the President to state its position.

You will remember that the Nominating Committee presented a proposal that the Executive Board be enlarged to eleven members. That was the only one of the Nominating Committee's proposals which was submitted to the Executive Board, and the Board at a meeting on July 4 considered the proposal, and by a vote which was not unanimous declined to approve the proposal.

The Board weighed the advantages of efficient operation of association business against the advantages of a wider base of member participation. The majority felt that an increased number of Board members would curtail the efficiency for the following reasons: The nature of our Association and the geographical distribution

of our membership requires that most of our problems are handled by correspondence. The quantity of correspondence is now massive. Each Board member is now required to prepare eight carbon copies of all letters and memoranda, and the majority felt that there would be a danger of important matters being postponed because of the prosaic barrier raised by the physical capacity of the ordinary typewriter to manufacture multiple copies.

Because all of the Board members except one were located this year within easy distance of New York City, there was a midwinter meeting, but that is the exception rather than the rule. The majority feels the expense of a midwinter meeting would become a necessity were the membership of the Board increased. Part of the majority feels apart from the physical difficulty in corresponding with the larger number, recurring delays in Association action would result from the mere fact that the larger the body, the more difficult the process of reaching a decision.

Mr. Piacenza, will you continue the report of the Nominating Committee?

MR. PIACENZA: The other day I proposed two sample resolutions. Then the ceiling fell on me. Before the debris was cleared away, I was pushed back to the curtain and By-Laws were amended.

With an enrollment of over 600 members, only 110 people voted to change the By-Laws by one vote. Immediately after that, we walked across the campus to the university, and on the way someone made a suggestion to me, and I have been thinking about

it ever since. I concur with the suggestion whole-heartedly. This person suggests that in the change of By-Laws, which can be made at the spur of the moment at any time by any one—any impetuous person can come in that door, find a small group here, propose a change, and if he can get two-thirds, he can change our By-Laws.

Now, the proposition made to me was that after a heated discussion or a thorough discussion on the change of a By-Law, that the voting be postponed or deferred to the following or the immediate next meeting, that is, business meeting, so that people will have a cooling off period during which they can re-arrange their thoughts and discuss it among other people calmly, and then come in and vote on it. Now, that is not part of the Nominating Committee's report, but it is just some thoughts to pass on to you. I think they are excellent remarks and perhaps a little later a motion would be made to the Chair to appoint a committee to consider change in our By-Laws so that no one with a small group of friends at the drop of a hat can impetuously change our By-Laws.

In anticipation of the Executive Board's refusal of the Nominating Committee's proposal to increase the Board to eleven members, the Nominating Committee circularized a petition within the last 48 hours and obtained the necessary 10 per cent of the signatures—the necessary 10 per cent of the entire membership of the Association, to place before you two propositions for constitutional amendment: enlargement of the Board to eleven members, and also to limit the

term of office to three consecutive years of the Secretary and Treasurer.

The number of signatures totals 78 which is more than the necessary 10 per cent, and I have been advised by the Chair that the petition should be mailed to the Secretary. I may not present it here. It doesn't matter. We have a whole year in which to act on this.

MR. MORELAND: May I make a motion in connection with what Mr. Piacenza said earlier? I spoke at the meeting the other day in favor of Mr. Bitner's proposal, and I voted in favor of it. Actually, the vote at that time was unexpected. I was under the impression that the vote would be taken at a later time, and that Harry was simply going to say what he was going to propose, and since I voted I have given it some more thought.

At this time I should like to move reconsideration of that action of the Association with respect to the amendment of the By-Laws, and that it be considered again tomorrow morning. *The motion was seconded and passed.*

PRESIDENT GALLAGHER: The report of the Special Committee to Study the Application of Scientific Devices to Legal Literature, Vincent E. Fiordalisi, Chairman.

MR. FIORDALISI: The report of our committee is printed in full in the committee reports and I will merely summarize parts of it. *Mr. Fiordalisi presented a summary of the report.*

APPLICATION OF SCIENTIFIC DEVICES TO LEGAL LITERATURE

Now, our report includes several recommendations. These recommen-

dations which are found at the end of the report on the duplicating equipment—that's page R-31—should be made general and should apply to the activity of the entire committee.

The first recommendation is that the committee and its present function be continued. I understand that this is being considered, and the second recommendation that the committee be authorized to invite leading manufacturers of copying and duplicating equipment to attend the association meeting in Philadelphia in 1956 to demonstrate their products and make arrangements relative thereto. The third, that the committee be authorized to circulate the membership of the Association to obtain additional ideas on how best this type of equipment may be utilized. I do so move.

PRESIDENT GALLAGHER: Unless there is someone who would request a divisor of the question, we would save time by voting on all of the recommendations at once.

There being no request for a division, the motion was seconded and passed.

PRESIDENT GALLAGHER: The report of the Special Committee on the Golden Jubilee Issue of the *Law Library Journal*, Miss Coonan, Co-Chairman.

GOLDEN JUBILEE ISSUE

MISS MARGARET E. COONAN: As all of you know, the Committee on the Golden Jubilee Issue of the *Law Library Journal* is one of long standing. It was created by the Executive Board during Lucile Elliott's term.

The committee is of one mind as to the obvious contents of this issue of

the *Journal*, but there were many details to be worked out after we decided what we thought should be in the *Journal*. Those we had hoped to tie up last night at a meeting here, and we met for about three and a half hours. We found that it was impossible to make a full report at this time. However, a full report of the Golden Jubilee Issue will appear in the first letter of our incoming president, Mr. Moreland.

I think, however, you will be particularly interested in one of the things which the committee did which was not perhaps visualized as part of its work. When we first began to talk about the issue, all of us felt that we would be very much helped if we had a cumulative index to our *Law Library Journal*.

We felt it was then too late to have an index which would be helpful before the preparation of material that would go into this issue, and we decided then it was wiser to cover volumes one to fifty, and also those who have agreed to undertake the job would be given more time to do a better job if we waited until publication of volume fifty. We still have one last detail to clear up on that so I won't undertake to tell you who is going to do it, but someone in which I think every member here will have the highest confidence.

The other thing to which the committee gave likely consideration was an idea that we would have in the year of the Golden Jubilee a contest, an essay contest, comparable to the Ross Essay of ABA with which all of you are familiar.

It was decided last night such a con-

test would be held. Once again, there are many details to be worked out. News of that, and the subject matter, the ground rules for it, and so forth will be announced in President Moreland's letter.

PRESIDENT GALLAGHER: The report of the Representative to the Council of National Library Associations Joint Committee on Education for Librarianship, Mr. Julius Marke.

EDUCATION FOR LIBRARIANSHIP

MR. JULIUS MARKE: I assume you have all read the report. I do wish, however, to refresh your memory as to the purpose of the committee's work. The main purpose is to stimulate in library schools an interest in special librarianship, particularly, as far as I am concerned, law librarianship, so that they may prepare a definite program, a definite curriculum which would meet our needs as law librarians, and also the professional needs of law librarianship.

I would like to suggest to you that the institutes that we are presently holding are really creating great interest in the library schools throughout the country. An institute such as the one that was held here last week and the one we held in California has made them realize we have real interest in these matters, especially when we can attract, as I understand, about 81 here.

One other thought. We are very much interested in the actual need of special librarianship. By special I am referring at this point to subject librarianship and law librarianship is that very point. We are contemplat-

ing and working at present on a questionnaire, on a program, a survey, which would indicate the actual need for law librarians in the next five years. We intend to do the same for medical and music and science librarians and the like.

The library schools are very much interested to know what is the actual need. How many candidates can they attract to their library schools if they offer these programs, and we propose to work with the national associations—of course, our own as well, and if the day does come that you receive this questionnaire, please give it all the attention it warrants.

It is a very important one because at that point we will make the true impression on the field, the library school particularly, as to our current needs.

PRESIDENT GALLAGHER: The report of the Law Library Journal Committee, William B. Stern, Chairman.

LAW LIBRARY JOURNAL

MR. WILLIAM B. STERN: The *Law Library Journal* is yours, and I think we can really say that. We have lots of contributions from any number of members and every one of you, every member of the Association should feel free to contact at any time the Editor, either to write something or to suggest that an article be written.

In order to make it easier for members who have never written anything to do some writing, if they have some ideas to write about, one of our committee members, Dillard Gardner has been made an editorial consultant, and he will be very happy to discuss any plans for writing with you or sug-

gestions on how to do it and the like.

This year's work was done under very adverse circumstances. Yet I think it was a wonderful job which the editors did. Harriet French had to resign in the middle of the year. She did a wonderful job under the worst circumstances until Mortimer Schwartz could take over. Miss Salmon assisted Harriet. The same is true concerning Earl Borgeson who took over as advertising manager just out of nowhere and produced very good results.

But it wasn't just the staff of the *Law Library Journal*. It was also the members of the committee who engaged in very active cooperation. I don't know whether there are many committees in this organization where members are required to work as hard as on this committee. Miss LeBus, for instance, and Miss Dunnebacke headed or compiled Current Comments and Membership News. President Gallagher was not a member of the committee, but she is responsible for questions and answers. Mr. Murphy compiled the check-list of statutes, reports and so forth and Current Publications is compiled by Miss Ashman and Miss Scarborough, and last but not least, the Book Reviews and Book Notes are organized, compiled, solicited, edited and so forth by Miss Helen Hargrave.

The financial picture of the *Law Library Journal* has greatly improved. Of course, partly at the expense of economies which some of us do not like to see. Frequently we get manuscripts with pictures or with graphs and the like. Well, unfortunately, I believe the time will be far away when we are able to publish pictures, sta-

tistics, and graphs except under exceptional circumstances. It is simply too expensive.

Advertising is rather satisfactory. I hope it will improve, and I would suggest to you that you read the advertisements, use them and refer in your relations with dealers to advertisements. This helps us very much.

In this meeting, in every session, up to now the *Law Library Journal* was mentioned in some way or other. That, I think, shows how important the *Journal* is to the Association, and for the first time in a long time, we heard some criticism.

I think it is very fine we hear criticism, but I think it is just as important that you know that we consider the criticism, and tell you what we think about it. It was stated that the *Law Library Journal* publishes biographies of the old guard only. Well, that certainly is not true. In Membership News we published biographical data concerning primarily new members. Of course, if older members receive a Doctor of Laws Degree or take part in civic activities because of the reputations they have earned in the community, that certainly has to be mentioned, but I want to assure you that we are most interested in biographical data concerning the younger generation and Frank Waters, himself, a member of the younger generation, is the compiler of Membership News.

There was further complaint that we published the statistics of salaries of law library personnel which are unrealistic. Well, unfortunately, statistics at all times are behind the times. Nevertheless, it is the generally accepted fact that it is worth while to collect them, and they furnish a cri-

terion for other things to be based on. We have, however, taken steps to make sure that our salary statistics will be published in a way that they will not be so far behind the times as they have been in the past. The question also was raised whether the *Law Library Journal* would be a good place to publish notices of openings of positions and want ads again for positions.

It was stated that the publication of the *Law Library Journal* takes about three months. Therefore, any such advertisements in the *Law Library Journal* would be too far behind the times. Our committee does not agree with that. There are lots of people who consider changes in the middle of the year, or schools or other employers, other law libraries, which do some long-time planning who are future employers.

So anybody who is interested in a job, in long-time planning and who has three months, might do well to advertise either for the opening or for the fact that he is available in the *Law Library Journal*, and of course, anonymity of such advertisements is fully preserved.

PRESIDENT GALLAGHER: The report of the Representative to the ALA Joint Committee on Union List of Serials, Bertha M. Rothe.

UNION LIST OF SERIALS

MISS BERTHA M. ROTHE: There is no use to point out the value of the union list to a group such as this. I would like to emphasize the fact that according to library statistics, there are only six law libraries who contribute as such to the list.

The Library of Congress is attempt-

ing to provide a valuable service to all of you, and one of the points that they are doing now which will be particularly valuable is the furnishing of a list by subject and country arrangements.

PRESIDENT GALLAGHER: The report of the Joint Committee on Cooperation Between the Association of American Law Schools and the American Association of Law Libraries, Vernon Smith, Chairman.

ASSOCIATION OF AMERICAN LAW SCHOOLS

MR. VERNON SMITH: Madam Chairman, the report is published, and it is in your hands. It contains no specific recommendations, and therefore, it is not necessary to have any special action. I should like, however, to add one note, and that is the committee determined that it would undertake during the next year a study on the expansion and clarification and development of the standards of the Association of American Law Schools concerning library status. Standards now are reasonably particular concerning the requirements for law librarians. There is nothing in those standards concerning library staff. The committee will devote its efforts toward study of that problem.

PRESIDENT GALLAGHER: The report of the Representative to the Council of National Library Associations, Mr. Sidney B. Hill.

NATIONAL LIBRARY ASSOCIATIONS

MR. SIDNEY B. HILL: Madam President, there isn't anything on which we have to take action in the CNLA report. Mr. Moreland, our President-

elect, attended all meetings this year, I believe, with me.

There is one thing that I think we should all take advantage of, and that is that the CNLA is a cooperative body and many of our problems are also problems of other organizations and associations. At least certain phases of the problems we deal with, they, too, are greatly interested in. The advantage of cooperation of other organizations, can be very, very helpful to us if we utilize those opportunities.

We were talking about the State Law Index yesterday. I found a great deal of interest in having state legislation indexed among other organizations and other associations. You might wonder what associations. I found that the music association is interested. I found that the copyright association is deeply interested, and I could go on with others.

Also, I think that we failed greatly in this, that we don't take the opportunities we have to enlist public relations groups including the great newspapers to assist us in our programs and in developing our programs.

When the Library of Congress appropriation was cut, three of us met in New York City. We felt it was to our interest as well as to the Library of Congress. We went to two of the great newspapers. One of us took one paper, and one of us took the other. One paper even called the whole editorial board together merely through the humble application of three unknown law librarians, practically, in New York City. They waged an editorial battle because our problems are problems which they are greatly interested in. Therefore, I think that we

should really take advantage of such opportunities, and the Council is one of the proper places to collectively work in those directions.

MISS MARGARET COONAN: Mr. Hill, I certainly would like to second what you have just said. I did attend a Council of National Library Associations meeting in New York as a proxy for my boss, and I have never been more impressed by the importance of our taking advantage, as Sid has said, of the cooperation we can get from the groups there represented, and the ideas we can carry home with us and back to this association.

MR. HILL: There are two other organizations which I haven't mentioned with respect to cooperation, perhaps we are not as close to as we should be. One is the Library of Congress. I am very noisy at times about the Library of Congress, but I am also one of their great supporters. They are doing much more for us than I ever realized.

Sometimes I think we should have a little symposium upon what the Library of Congress does for us in the way of cooperation. I think we have been neglecting them. We are also neglectful in the opportunities to force, if necessary, the American Bar Association to do things for us.

The American Library Association does a wonderful job for us, but we just take it for granted, and they are deeply interested in our problems.

We must join in collectively with every association if we want to make greater progress. The only reason we don't is because we don't take the initiative to do so. The opportunity is there. The help is there. It is just to bring it together, just as our friends, Drummond and Moreland,

brought together considerable help and great interest, over the last two months in foreign law indexing and indexing of the American law. When you get a couple of men working like that, you see the interest that can be developed.

Let's try to be more vital in the life and work of the cooperative bodies, organized purely for the cooperation of the national library associations, of the CNLA.

PRESIDENT GALLAGHER: The report of the Committee on Index to Legal Periodicals, Forrest Drummond, chairman.

INDEX TO LEGAL PERIODICALS

MR. FORREST DRUMMOND: I will report only on action taken since the written report was prepared. Since that time the new subject heading list has been brought closer to conclusion. We now have available for use of the editors and the committee a new subject heading list which contains all the cross references in both directions.

Within a couple of weeks we will begin the reproduction of a reduced form of that list. What we will do is to omit the "See also's", and the "See from references." In other words, it will be a much more workable list for the user of the index.

The full list, of course, is more important to the indexer and the committee which is going to keep working during the next year on improving the subject headings. That will be reproduced at our library and will be sent at no charge to all subscribers.

We will probably send it to some of the library schools and other interested institutions, so if you really want

the full list with the cross references both ways, and you really need it, write to me, or to Earl Borgeson or the editors for a copy.

One of the important tasks of the committee during the next year will be to watch over the new subject headings with a view to those that might grow so large they should be further broken down. That is no small task.

At our meeting yesterday, we voted to increase our coverage slightly to get over into a little more multiple indexing. All this is possible because our financial picture has improved, and we feel that the increased financial benefit should be passed on to subscribers. In addition, we voted to add a few more periodicals. Of course, the big question that is always up to the indexers is: How about cumulation? That is one matter that is before the Special Policy Committee for recommendation, and just a trial balloon to see what we may be talking about, I made a computation as to what it might cost, and the figure was in excess of \$700,000. That is to recompile our index all the way back to Volume I, 1907. Needless to say, no subscription or this Association could afford that, and in order for it to be done, I think there is no question there has to be some type of foundation support.

I would like to have a show of hands on how many people would buy a cumulation if it cost \$1,000, if it cost \$750 and if it cost \$500. *Show of hands.*

I think you might be interested to know that almost every one of the publishers with whom I have spoken are of the opinion we would sell as many sets at \$1,000 as at \$500. I think today it probably looks as though two-

thirds more would buy at \$500 than at \$1,000. These are just guesses.

MR. FIORDALISI: I have a question on this. If the cumulative index were available at \$1,000 and only at that price, you might get a difference in the people who will buy it. In other words, there might be individuals who would not place an advance subscription, but if it were available would purchase it over a period of time.

MR. DRUMMOND: Would that change the picture on the \$1,000? Maybe we should have one more show of hands on \$1,000 set available on the easy payment plan. *Show of hands.*

It made quite a difference. I am glad that you brought that up, Vince.

One further thing to report is that we had an increase in subscribers to the index from 906 last year to 946 this year.

The last thing I will report is that we voted to ask the Executive Board to approve the new and higher salary scale for the editors. That will be voted on by the Executive Board tomorrow.

PRESIDENT GALLAGHER: The Report of the Special Policy Committee, Mr. Forrest Drummond, Chairman. We want all the members of the Special Policy Committee to return to the platform with him.

SPECIAL POLICY COMMITTEE

MR. DRUMMOND: We would like to report additional matters not included in our written report. We met for a long time on Sunday, and then met in a joint meeting with the Executive Board. One thing which was not mentioned as an item to be considered in a survey was the State Law Index. It is also recommended that that be in-

cluded in any proposal to make a survey of our Association aims and needs.

Another was the bibliography of American Law. We had considered that earlier in the year, and it had sort of dropped out. We voted to get it back in there.

Another thing was that when we spoke of the national headquarters, we spoke usually only in terms of the American Bar Center, but it was pointed out that consideration should be given to the possibility of obtaining space in some of the new law school or law library buildings which are going up around the country. And also, that we should consider cooperation either in the way of physical housing or in other ways with the American Library Association or the Special Libraries Association.

The committee at this time unanimously recommended to the Executive Board that a grant be sought to survey the aims, functions and methods of the American Association of Law Libraries, and we recommend that the committee be continued to prepare and present such a proposal.

At this point I believe that President Gallagher will report on the Executive Board's reaction to our suggestion.

PRESIDENT GALLAGHER: At the Board meeting the Executive Board adopted three recommendations based on the recommendations submitted to them by the Special Policy Committee.

The Board recommends first that the Association seek foundation support for a survey of ways and means to accomplish Association objectives. The second recommendation closely tied in with the first is that the request

to the foundation contain a request for a budget completely adequate to support the survey. The third recommendation, that the Index fund supply up to \$4,000 for the purpose of making a pilot study on cumulation of Index to Legal Periodicals.

The Committee had recommended that the Association spend \$7,000 for a pilot study which would have occupied six months or a year, depending on how many people worked on it. The Special Policy Committee's idea was that the people working on this pilot study would cumulate and revise back issues of the Index. In fact, they would re-index some of the back issues, and at the end of the six months or the year, the Association would have an idea of how much it was going to cost to do the entire job. The Executive Board felt that the same purpose could be accomplished by the current indexers keeping track of the actual amount of time spent in indexing under the improved subject headings with the help of some sort of clerical count of back issues. So that the figures on time spent on current indexing could be transposed to cover back issues. Therefore, the Board recommended the expenditure of an amount not to exceed \$4,000 on a pilot study with a strong recommendation that it be confined to six months.

MR. MORELAND: I will move the first recommendation of the Executive Board be adopted—the first two because they are tied together. *The motion was seconded.*

MR. DRUMMOND: This is a pretty big step for the Association to take. What it involves is that we approach some foundation and ask them to

grant us somewhere probably between \$21,000 and \$28,000 to carry on the study for a year.

When this was first brought up, we had quite a few reactions against asking for a survey because so often surveys are just things that use up time and money. One member of our committee voted against it until Sunday, and then he voted for it and his reasoning was this: Well, I am merely against studies as a matter of principle, but it seems to me that this is the only way out to find out what we really have to do.

MR. ARTHUR A. CHARPENTIER: Would it be in order to ask what the relationship in approaching a foundation is going to be between this request and the one which will come as a result of the meeting last night?

MR. DRUMMOND: They will be entirely independent. Mr. Charpentier is talking about a recommendation made last night at the foreign indexing meeting which will recommend that our Association cooperate with other interested associations in seeking plans for a study of foreign law indexing, but actually, we will just be one of many in that, and I think there is really no conflict.

The question of foreign law indexing is included in our statement of objectives, and you would be obtaining that objective merely as a partner with others.

MR. HILL: I think also the possibility of approaching several foundations is what we have in mind rather than just one.

MISS DORIS R. FENNEBERG: I would like to know a little bit more specifically what the survey is to cover.

MR. DRUMMOND: The over-all picture is this, that an exhaustive study of the American Association of Law Libraries be made with a view to determining what its activities should be, how they should be carried out, and how the program can be financed.

We set forth as items to be included, but certainly not to the exclusion of anything else, the following problems: First, a permanent, adequately staffed national headquarters. Second, improvement of the Index to Legal Periodicals by expansion of coverage and cumulation of back volumes. Third, a systematic study of the indexing of foreign legal periodicals. Fourth, the improvement of the *Law Library Journal* by increasing its content, and frequency, and by providing a permanent editorial staff. Fifth, the development and publication of a classification for law libraries. Sixth, the establishment of an editorial publications board at the national headquarters to coordinate bibliographic and other publishing efforts. Seventh, the establishment of a statistical and research bureau at the national headquarters to handle the problems of training and placement of law librarians, and setting of standards for law libraries and the law library profession.

Then there were the additional projects of the State Law Index, bibliography of American Law, and the question of approaching other associations for a national headquarters or other means of cooperation.

I perhaps should point out at this point I talked to Mr. Cooper yesterday, the Administrator of the American Bar Foundation, and they are most interested in us. The first pro-

posal that we received from them was that we will rent space just like any other organization at four dollars a square foot, and when we pointed out if the Index were to be included in a move to the national headquarters, that they would be receiving pretty close to \$1,000 face value of legal periodicals which would be turned over, the American Bar Foundation then, on the recommendation of Mr. Harris, who then was the Administrator, said, "Fine, we will modify our offer to be four dollars a square foot, but we will allow you against that two-thirds of the face value of those periodicals turned over."

Mr. Cooper has gone further in approaching us. He said, "Tell us what you really could afford to pay, and what you think would be fair," and unfortunately, I had to reply to that that we aren't ready yet, and yesterday I had a very satisfactory talk with him. He is going to recommend to the Board of Directors of the American Bar Foundation that the negotiation between our two organizations be frozen until our survey matter is settled. Does that answer your question?

MISS FENNEBERG: This survey, in other words, is to make a study of the feasibility of these projects, the approximate cost of them. It isn't to do anything actually on the projects.

MR. DRUMMOND: No, that is right. It is just to find out are these things that we have set up the things that we should do, and the only things, or are there too many?

Our Committee worked very hard during this year, and many of us gave a great deal of time to it, but even shirking our other work, we discovered it is completely impossible to make a

survey like this on a volunteer basis. You just can't do it. Although you may shut off telephones and work like mad on it, something always comes up, or you begin to think about something else that should be done in connection with the library. You just can't do it.

Our proposal suggests, as you know, that a qualified person be sought who will take a year's leave of absence from his job, and just conduct this survey. It is not to try to accomplish any of these ends, but to determine which should be attempted and how.

MR. JOHN LEARY: Mr. Drummond just brought to focus the question I had in mind. Who is to prepare the plan for the survey, the request which would be submitted, and what ideas does the Special Policy Committee or the Executive Board have as to personnel who might be selected to conduct the survey?

MR. DRUMMOND: That is really the toughest question of all, who is going to do it. Naturally all of us had some people in mind, and because of that, we had to be a little bit flexible about what the salary setup would be because there are certain people who because of their own salaries and outside income and things like that just couldn't afford to head up the project unless it was really a substantial salary.

On the question of who should be selected, at least two or three alternatives will have to be determined before any proposal can be made, and that is the job of the Policy Committee. Of course, I know they would welcome any suggestions from the membership as soon as the committee is announced.

MR. LEARY: I wasn't too much in-

interested in identification of the personnel. I think I was more interested in getting the thinking of the Policy Committee on who is to prepare the request.

MR. DRUMMOND: The Policy Committee is. We already have one proposal which was submitted to the Executive Board. It was summarized in the report. I thought that perhaps it would not be the best thing tactically to set forth the proposal verbatim in a report that was published until we really had the final thing set up, but we have a proposal which can now be used as a clay pigeon to shoot full of holes and get patched up again so we will have a real good one.

MR. ERNEST BREUER: May I ask, in asking for pennies instead of dollars at this time, does the committee propose that the foundations will be advised that this is only the initial step and that the larger amount will then be asked for if a successful recommendation comes after the pilot study?

MR. DRUMMOND: Oh, yes, with regard to that maybe I can impose on Bob Roalfe. He had a very good thought along that line. Bob, would you like to speak to that?

MR. ROALFE: I don't know just what the thought Forrest Drummond refers to is, but we did discuss this question the other day in a policy committee meeting. I think that there is not only nothing unusual about it, but that it is quite usual for foundations to provide funds in order to make the appropriate preliminary inquiries so as to determine whether or not a more ambitious project should be undertaken.

I have not been particularly close to the problem of getting funds from

foundations, but so far as I have been able to observe, it has been my conclusion that it is much easier to deal with a foundation constructively after one has made an initial approach and has been successful so that I think if any of you feel there is some reluctance or inadvisability about making an approach for pennies, as Mr. Breuer said, rather than striking for the big sum, I believe that is not a real risk.

DR. ELLINGER: My question is not one of approaching the foundation for pennies and dollars, but I was wondering whether we are not—I may misunderstand the sense of this report, but I wonder whether the approach to a foundation is not requests for a grant to study the preliminaries on which this Association actually ought to make up its mind before it approaches a Foundation for a study. In other words, isn't the desirability of undertaking the various points listed in this program one on which we ought to make up our minds by submitting reports from committees and recommending or recommending against undertaking them, and then try to make a study about the feasibility of those undertakings if we think that we ought to undertake them, and whether they are feasible within the number of members and the size of our Association.

MR. DRUMMOND: That was one of the first questions that was raised. I think Sid Hill was the first one to raise that question. He said you request all those things and won't the foundation think we are crazy because we are the people who should know what the problems are. The answer to that is that we tried all year. It cannot be done on a volunteer basis. It has got

to be done on a full-time basis, and Mr. Hill then said, "Right. I am against surveys basically, but we can't really determine what the problem is until we can go at it with a full-time financed program."

MR. HILL: Mr. Chairman, I think we also had in mind we wouldn't be precluded from doing certain aspects of it and going to the foundation for certain aspects to go ahead.

MR. DRUMMOND: The committee may decide in addition to asking, one member of the Executive Board said, "Well, it seems to me a good policy would be at the same time that you ask for a survey of the whole picture, perhaps you should ask for another specific grant for one thing on which you are sure that the work should be done and how it should be done." But one thing that Bob Roalfe has pointed out is that very often when you have asked for the grant for the survey, you have one foot in the door to go after the big grant. That is one of the thoughts also behind the pilot study and cumulating of the index.

We may, by the time the proposal is ready for presentation, be able to give them an exact picture of what at least the editorial cost on cumulative Index would be, and then I think we could go ahead and get publishing cost. Up to date we can't get too much help from the publishers because our problem is so different from anything they have published.

MR. I. ALBERT MATKOV: I don't remember, but is the State Law Index on that list of aims?

MR. DRUMMOND: That is one we had added as a result of our meeting on the Fourth of July.

MR. MATKOV: We already have decided on the policy pursuant to Congress. We already know what we want to do, at least at the present time on that State Law Index, from what I understand, from a discussion of the committee. We wouldn't want to show Congress the case that we have at the present time. I mean, if we can get money from a foundation, and if we could get money quickly from the foundation, it might hurt us in our appeal.

MR. DRUMMOND: We are not asking for money to do the State Law Index. It is merely one of the things considered. The survey conclusion may be this is entirely Congress' baby. But I think any one who waits for that is a little over-optimistic.

MR. MATKOV: We know what to do about the State Law Index.

MR. DRUMMOND: We know we want a State Law Index. We have tried appealing to Congress time and time again. Including it in the survey would not preclude Congress from taking action. The survey might say the whole American people should write to Congress and make them do it.

MR. BREUER: If I understand Dr. Ellinger correctly, I would like to make this suggestion to the members of the Association. Don't ask the committee for approval from us on what to do. I don't think you can tie the hands of the committee like this. I think we ought to give them *carte blanche* and have sufficient confidence in them that when the discussion takes place with the various foundations, they will have the interest of all the groups. In other words, give them our support and let them discuss any

problems that may arise without in any way tying their hands without saying, "What are you going to talk about?"

When they get in the door, there may be ten other things that come up they don't know about at the present time.

MR. DRUMMOND: Thank you very much. I think probably the questions coming up will be more on details. What we want is really the big picture for the committee to work on, and perhaps we might be ready for the question.

MISS BALLANTINE: I still want to ask whether we jeopardize our chances for the American Bar Center by waiting for a survey.

MR. DRUMMOND: No, that is what I talked over with Mr. Cooper yesterday. I said: I think that the most sensible approach to the whole thing is to wait. They are willing to wait. I tried to say: Is there a time limit for space? So many people are trying to get in. That is not the problem at this time. We won't jeopardize anything by waiting.

Upon a vote the motion carried: That the Association seek adequate funds from a foundation for a survey of ways and means to accomplish Association objectives.

PRESIDENT GALLAGHER: The third proposition presented by the Executive Board was the expenditure of sufficient funds to conduct a pilot study on revision and cumulation of the index. Those funds not to exceed \$4,000.

MISS ELLIOTT: Is that from our funds?

PRESIDENT GALLAGHER: From the In-

dex funds. The Index fund at present is about \$14,000, and some dollars, and will receive \$3,000 more in September.

The Chair will entertain a motion that the Executive Board recommendation be adopted.

MR. STERN: I so move. *The motion was seconded.*

MR. DRUMMOND: Lest any one think there was disagreement on the Index between the Special Policy Committee and the Executive Board, the original figure of \$7,000 was one that I submitted and actually our committees went down to four before it went to the Executive Board. It was felt that the expenditure of those funds which had been built up from the Index could well be used to improve it for the use of subscribers.

Upon a vote the motion carried.

PRESIDENT GALLAGHER: The report of the Special Committee on Publications, Corinne Bass, a member of the committee reporting for Katharine Day, Chairman.

SPECIAL COMMITTEE ON PUBLICATIONS

MISS CORINNE BASS: One of the projects undertaken by the committee has been studying the advisability of a cumulation of the Current Publications section of the *Law Library Journal* and the monthly *Current Publications*. Information has been collected on the various problems such as the most desirable method to be used and the variations in the cost of the different methods. As stated in the published report, this study has not been completed, and so the committee rec-

ommends that the committee be continued for another year.

Madam President, I move that the Committee be continued for one more year. *The motion was seconded.*

MR. MORELAND: In the first place, Article V, Section 3 says that there shall be such committees as the Executive Board shall from time to time create. I ask the Parliamentarian whether or not this is an appropriate motion.

PRESIDENT GALLAGHER: This being a special committee, might it not continue automatically until its work has been done?

MR. DRUMMOND: The Association creates the Executive Board, and it has given it the power to do so. I am sure the Association still has the power to set up committees concurrently with the Executive Board's power and to continue them.

PRESIDENT GALLAGHER: It is the Parliamentarian's recommendation that Mr. Drummond has stated the matter correctly.

DR. ELLINGER: I submit that if the membership meeting passes a resolution to continue a committee, the Executive Board would be thereby bound to continue it.

MR. MORELAND: The only reason that I asked that question was to try to avoid another situation. I personally am a little dubious as to the validity of the material that the committee is asking that it consider, namely, a cumulation of the Current Publications which have appeared in the *Law Library Journal*.

Cumulation of Current Publications seems to me to be a publication of a book list. Almost all of that material is available in CBI. I wonder whether

or not we shouldn't consider what the committee is going to do rather than whether or not the committee should be continued. I myself do not see the value of cumulating that current publication material. The reason for the Current Publications section is that you will know immediately what has come out. Now, why you would want to know now what came out four years ago is a little beyond me. The purpose of the Current Publications is served the moment it appears in the *Law Library Journal*.

MISS BASS: I want to say in the smaller library I think the cumulation would be exceedingly useful. I think if you are on a university campus, there is a CBI, but it takes a good bit of time to go over and use it. In some small libraries there wouldn't be a convenient neighboring library where you could use them.

It is a very expensive publication. We don't have it in our library. I either use the one in the general library or attempt to use the publishers' catalogs which are exceedingly unsatisfactory to use. They don't give the price half the time. It is not an alphabetical list. I think this publication would to an extent serve the purpose of the CBI for the law books.

MISS ASHMAN: Not a point of continuing the committee, but since we are speaking about inclusion of material, there formerly was a considerable amount of material in the current publications list which didn't appear in the CBI such as documents, pamphlets. I wonder if you are aware that the inclusion was very greatly reduced during the last year because of the recommendation of the Executive Board that it be limited to eight pages,

and that it be published twice a year.

On the last listing, after the elimination which is ordinarily done by the editors, we were forced to discard half of the titles. When we are considering the list, I think there might be some discussion as to whether that elimination is to be continued for another year or whether the editors may have more freedom or whether we have the funds.

MR. STERN: First of all, it would seem to me in direct answer to the question of President-elect Moreland, that we publish Current Publications in the *Law Library Journal* primarily for the fact we can index them by subject much better than they would be indexed in CBI.

The same would apply to cumulation, as to Miss Ashman's remark. We, of course, realize the great limitations to us. It is not the only instance where we are handicapped, and we'll try to restore as soon as finances make it possible all the cuts which have had to be made.

MR. PAUL GAY: I wonder perhaps if this might not be included in the list of objectives of the Policy Committee since probably the number of publications will be something to be considered.

Maybe the survey might consider the problem.

MR. BITNER: If there is any justification for CBI, there certainly is for this thing. We still go back to the separate issues. For instance, we have a special problem in the Department of Justice. We are trying to rebuild the collection. I am taking every issue of the *Current Publications* and have checked it carefully to find out what

was left out, due to lack of funds in the past three or four years.

I think it would be extremely helpful sometimes in getting additional money, if you want to rebuild a certain section of your library, to have a list of just those things, of law books in related fields. I think it would be extremely helpful to have a cumulation.

MISS COONAN: I want to second what Harry has said. Speaking for our particular kind of library, there are many, many items in that list in our *Law Library Journal* which you certainly do not find in CBI. You can't even say it would combine CBI and Public Affairs Information Service. I think the editors of it receive an accession list from many of us.

I know there are endless items we do not find in either Public Affairs Information Service or CBI, and we make a tremendous use of it. I would certainly think it would be most helpful in our work.

MISS BALLANTINE: Could that be published and sold on a subscription basis? Would that help any?

MISS BASS: That is one of the things the committee is working on, how much it would cost, and the most feasible method of publishing it. Both things are being considered.

Upon a vote, the motion to continue the special committee carried.

PRESIDENT GALLAGHER: The report of the Civil Service Committee presented by Dorothy Allport for Chairman Lillian McLaurin.

CIVIL SERVICE

DOROTHY ALLPORT: This report recounts the activities which have developed in the area of Civil Service

Position Classification since the report of the Committee on Civil Service Positions, distributed last month.

It was there reported that the Civil Service Commission had released its Tentative Drafts of Position Classification Standards in the Library Series and Library Assistant Series, that government librarians generally were dissatisfied with these proposed standards, and that a meeting of federal librarians and personnel officers had been called to discuss the standards. Out of this meeting grew a Special Committee of Federal Librarians and Personnel Officers which had the mission of pointing out basic errors in the Tentative Draft and of developing propositions which might serve as a good foundation for substitute drafts. The Special Committee is organized into six task groups with the following areas of responsibility:

Qualitative and Quantitative Standards with a sub task group on definitions.

Subject Specialization.

Compartmentation by Function.

Recruitment Qualification Standards.

Library Assistant Series.

Public Library.

The chairmen of each of these task groups are members of the Special Committee which will develop the final paper presented to Civil Service. The three members from this association on the various committees are Mrs. Huberta Prince, Chairman of the Task Group on Qualitative and Quantitative Standards, Mrs. Madeline Losee, a member of this same group, and Lillian McLaurin, a mem-

ber of the Task Group on Subject Specialization. An ex-officio member (as you might say), Miss Lucile Morsch, headed the Task Group on Definitions. It soon became apparent that Mrs. Prince's group had the real spade work to do, for it fell the lot of this group to develop the duties described in the library series for all of the various functions at all of the different grade levels. Such redescribed duties were to show how the qualitative elements as well as the quantitative factors could be considered.

The various other groups came up with recommendations in their special areas. The group whose discussions and recommendations were of particular importance to law librarians was the Task Group on Subject Specialization. This group first recommended that there be subject specialization and later revised its recommendations to mean that the only area in which subject specialization may be needed was law. Throughout the conferences and discussions on this issue, Frank Dwyer from the Library of Congress was an interested observer and aided and abetted Miss McLaurin.

At this point it was decided that it would be helpful if the law librarians would develop a series of progressively difficult duties in those functional areas which require some knowledge of law or legal research techniques. This draft would follow somewhat the same pattern as that made by Mrs. Prince's group.

The Law Librarians' Society, in the meantime, had not been idle. A letter had been sent to the Civil Service Commission from the Washington Chapter expressing the opinion that

the interests of law libraries would be best served by an option, Librarian (law), in the Series. It also asked the Commission to give recognition to law study as well as library science training in qualifying applicants for law library positions. It further requested that the Commission appoint a law librarian of recognized standing to any council of librarians acting in an advisory capacity to the Commission in library matters. It also asked for recognition of the law librarian at a level comparable with that of an assistant director in an integrated library situation where the director may be a generalist.

An ad hoc group of law librarians from the Washington Chapter and from your committee already had been meeting and discussing the Commission's Tentative Draft. This ad hoc group was composed of Lois Moore, U. S. Tax Court, Frank Dwyer, and William Crouch, Law Library, Library of Congress, Harry Bitner, Dept. of Justice, Miriam Vance (retired) Chairman of Position Classification, Washington Chapter, and Huberta Prince, Law Division, Army Library, and Lillian McLaurin, Office of the Judge Advocate General, Dept. of the Navy. This ad hoc committee now went to work to develop in detail those duties requiring some knowledge of law and legal research techniques.

The time and thought and work which has gone into the development of these duties and the study resulting therefrom is untold. However, it is hoped that the results will be worth all the expended effort. The study, together with an accompanying study of qualification factors and a set of legal

definitions to be used in conjunction with the study, has been forwarded to the Civil Service Commission. It is hoped that the Commission will see fit to use it as the basis for developing the option, librarian (law), in the Series. Some of the same papers have been turned over to the chairman of the Special Committee with the hope that his committee can use them in any substitute draft submitted to the Civil Service Commission.

Your President by now has designated a representative from this Association to the Civil Service Commission. This representative will contact the Commission directly, if and when the appropriate time occurs.

There is only one recommendation at this time from this committee. It is that this committee be continued through this year, so that it might follow any subsequent developments in this area and take any action required, so that it might maintain liaison with other library groups on the matter, and so that it might aid the American Association of Law Librarians' representative in any contact with the Commission.

PRESIDENT GALLAGHER: The tenor of the recommendation is that the membership remain the same on this committee. Do you move for the adoption of that recommendation?

MISS ALLPORT: I so move. *The motion was seconded and passed.*

MR. ROALFE: I have a matter that I want to present because I feel rather keenly about it, but I do not believe that it requires extended discussion, and I don't think that we have the facts on which we should act. The matter about which I am concerned

is the practice of selling law books at one price within a given state and at another price in the other state. Obviously, this practice is not new. Some of us have been irritated about it for many years, but it pops up over and over again.

It is pretty clear upon making investigation, I think, that it is not legally in violation of the Robinson-Patman Act, but it is certainly contrary to the spirit of that Act. It is quite contrary to the practice of merchandising most materials in this country, and I think it is very unfortunate that the practice is increasing in respect to law books.

One reason why I think this Association should be interested is that law libraries are among the important buyers of these publications at the increased price.

It is obvious that the statutes and the reports of the particular state are sold largely within the state, sales outside the state go to a limited number of lawyers and to libraries, libraries in adjoining states, and to the larger law libraries that buy all of these publications.

As I said at the outset, while I do not want to limit debate, I would be very happy if upon the making of my motion there would be merely an indication of interest and that the action would be deferred in line with the motion.

Madam President, I move that a committee of one or more members be appointed by the President to investigate the practice of selling legal publications at one price within a particular state and at higher prices in other states and report its findings

and recommendations to the President or to the Executive Board or to the members of the Association at a time not later than the annual meeting in 1956. *The motion was seconded.*

MR. MORELAND: I would just like to ask Bob what do you think the report of the committee to the Executive Board or members should be.

MR. ROALFE: I am not sure I have all the facts. How extensive the practice is, how it affects libraries, and what might be done about it. I think it is that sort of thing that either an individual or a committee can find out. I myself am not willing to take it lying down. I think we can do something about it, and the reason I think we can do so is that in respect to a particular publisher, he has already indicated that protest from a number of libraries is making him very uncomfortable.

MR. HILL: Madam President, that includes collusion of legislative action, too, Bob.

MR. ROALFE: I am glad you mentioned that. There may be legislative action in some states that is relative, but in two or three cases where someone I know did make an investigation, the assertion of the publisher that he was bound by legislation was upon investigation found not to be the fact.

MISS MARY W. OLIVER: Just for the record, in connection with what Mr. Roalfe says about legislation is true in my state, the State of North Carolina, by an act of the legislature. Official state publications must be sold for more outside the state. In fact, the law permits the selling of them at one and a half times the cost—books sold

to lawyers from outside the state, that is, official publications, law and court reports distributed by the state.

MR. ROALFE: I don't want to extend the discussion, but I want to make a commitment myself, that if at any time any publisher in the State of Illinois sets some differential pricing, I will go out of my way to buy the publication for you in this state and send it to you so you get it for the same price.

MR. FIORDALISI: I think Mr. Roalfe's last remarks cover the point of policy that I thought might be the result of the report of the committee of one or more. That is, that if the policy of the Association were established so that it could disapprove of the several pricings, most of us would have no objection whatsoever to resorting to any subterfuge, that is, to buy the material for the libraries in the various states and to circumvent the two price policy of the publisher.

MR. ROALFE: I object to both the word "subterfuge" and "circumvent". There is no reason in the world why buyers shouldn't take advantage of the rules the publishers apply. Of course, if they have two prices and you buy within the state, you are entitled to buy at the in-state price, by any method you can devise or practice.

MISS EDA A. ZWINGGI: I just want to say in the State of Iowa if you buy from the printing board which is not the only source, you pay one price in the state and another price out of state. I don't know what you can do about that unless we can set up a regulation.

MISS COONAN: Just as the state publications in Iowa are set up, I speak for my home or birthplace, I know

there is a different price for the Maryland lawyers and outside lawyers. I had the feeling that that was a sort of subsidy to help the lawyers within their state practice rather than in the reverse, penalize those on the outside who might be using it. It is probably part of the thing this one man or larger than one man committee can explore, but that is one explanation, I think, of what is the practice in some states because the State of Maryland I think makes no money. It is purely set up, I believe, for that reason. I know that there are other things that enter into this consideration.

MR. HILL: I suggest to anyone making this survey that they get in touch with the Book Publishers Council of the American Library Association and the CNLA policy. I think it goes much beyond just ourselves.

MR. JOHN BOYLES: I wonder if Mr. Roalfe would include, too, if they appoint the committee on the question of differential in prices, to adjust discrepancies where they occur in other ways than differential in prices and outside the state. It seems it might bear some looking into if we are going to look into the question of differential of prices to see if the publishing companies are keeping a true basis of what books are going to cost.

PRESIDENT GALLAGHER: Mr. Moreland, do you have any plans that would eliminate the necessity of amending Mr. Roalfe's motion to include all sorts of publishers' practices?

MR. MORELAND: Yes, I have a plan, I think, a tentative plan subject to revision. I have been thinking in terms of a discussion at the meeting of all of the publishers' practices of which

we disapprove, and Mr. Boyles' situation is one that could readily be included. *Upon a vote the motion carried unanimously.*

The meeting recessed at eleven-thirty o'clock.

THURSDAY AFTERNOON SESSION

July 7, 1955

The meeting reconvened at two-forty o'clock with President Gallagher presiding. President Gallagher introduced the moderator, Thomas S. Checkley, Librarian of the University of Pittsburgh Law Library. Mr. Checkley introduced the Director of Libraries at the University of Washington, Professor Harry C. Bauer, speaking on "As the General Librarian Sees Us."

AS OTHERS SEE US—A PANEL

DR. HARRY C. BAUER: When Adolf Hitler was at the height of his power, an American radio commentator became famous for his "on-the-spot" summaries and analyses of Der Fuehrer's speeches. Shortly after Hitler would conclude one of his radio tirades, this commentator would come on the air with a translation and interpretation of the more salient points raised by the Mad-man of Germany. Many listeners soon discovered that the famed commentator actually touched very lightly on Hitler's remarks. Armed with extraneous background material, prepared days in advance, the American pundit relied upon the clever ruse of "changing the subject." He would open his discussion with a few remarks about the speech that Hitler had just concluded, and

would then make some such sweeping assertion as, "But this address by Adolf Hitler was less important for what it contained than for what it did not contain." He was then free to expatiate on almost any topic under the sun. For example, let us suppose that Der Fuehrer had given a major talk on the Sudetenland. Our adroit radio shadow-boxer would make a few cursory remarks about Czechoslovakia, and then divert the attention of his radio fans by taking up "Some things that Hitler did not discuss." His running commentary might continue indefinitely in some such vein as the following: "Surprisingly enough, Mr. Hitler did not mention the Liberty Bell, which as everyone knows is safely ensconced in Independence Hall in Philadelphia. . ." It is apparent that the astute narrator could readily consume the allotted broadcasting time on any subject of his choosing.

There is a great temptation to use this ruse today in coping with the assigned topic of telling you law librarians how you appear to a general librarian. The fact of the matter is, that there is not a great deal to say on the specific subject. The problem is one of public relations and your public relations with your non-legal colleagues are good. Frankly, other librarians probably never "See you" much at all. They are busy with their own affairs, and naturally assume that you are preoccupied with your own problems and concerns. Perhaps they are conscious of clannishness on your part, but such clannishness is not unique with law librarians. Newspaper librarians are even more parochial and science librarians talk a

language all their own. Heaven only knows what inspired you to invite outsiders to your meeting to tell you what they think of you. Can you imagine members of the American Medical Association inviting anyone to point out the shortcomings and weaknesses of their Society? When the AMA is doing its worst is when its members protest most vehemently that the organization is at its best. This may suggest your greatest weakness as seen by a general librarian. Do you suffer from a professional inferiority complex? Was the scheduling of today's panel an indication that you are not too sure of yourselves and are in need of outside reassurance in matters that should be obvious to you if you would only do a little soul searching and self-analysis?

Even when you admit an outsider to your precincts and encourage him not to pull any punches, what kind of a "rat" is it that would nibble at such bait? Any middle aged librarian knows that such invitations are usually not to be taken literally. You have extended the invitation, however, and have stipulated the terms of participation. Let's go then, and your sins be on your own hands.

To a general librarian, the most apparent fault of law librarians is that they commit the same follies and blunders that other librarians do. The American Library Association has been surveying itself to death during the past fifty years. Sometimes outsiders are asked for an appraisal. Usually dissatisfaction and disappointment set in if the appraisal is not laudatory. It is hard to believe that you are not subconsciously yearning for something

laudatory at the inquest this afternoon. Perhaps you really want to hear nice things in a gruff voice, or perhaps some of you prefer to have your shortcomings sugar coated. If so, you have consulted the wrong physician. Surveys are not solutions to any basic problems; they are a crutch for the weak, and in no way correct deficiencies.

Why ape other librarians in their extraneous pursuits? Scientists have been working on electronic computers and automatic indexing devices for many years. Though many a general librarian is fooling around with such gadgets instead of sticking to his last, the law librarian would be well advised to stay on the sidelines until the computers are perfected. It was rather discouraging last month to learn that an eastern law institute had become interested in the application of automatic searching devices to legal literature, and had prepared a series of brief mimeographed papers on various phases of the problem. Why duplicate work that should be left to scientists, when there is so much important work remaining to be done in your own field? You have your own Special Committee to Study the Application of Mechanical and Scientific Devices to Legal Literature. So long as it investigates the human aspects of such devices it may prove to be a beneficial committee. What about the man-hours required in coding for electronic machines? What about the skills involved? What can be done to preclude monotony and fatigue? These are questions that merit consideration. The technical aspects may be interesting but are they worthy of considera-

tion by your committee? The actual electric wiring is, of course, child's play. Even so, if the good Lord is on our side, the scientists may never perfect any diabolical computing machines for the dehydration of knowledge. Mechanical gadgets cannot do anyone's thinking for him. As librarians, let us think of the human aspects of machine operations and permit the engineers and scientists to get on with the lighter task of manufacturing machines to confound us.

Law libraries are professional institutions but law librarians do not invariably administer them in a professional manner. Too often, a law library is the private domain of crotchety judges and a library committee, or the inner sanctum of the privileged few. Until law librarians bring their collections out into the open and operate their libraries for the benefit of all, they are not going to make much of an impression on librarianship in general.

You can determine for yourselves whether you are good public servants. Do you have a generous or proprietary point of view towards lending your books? If you are chary about allowing books to leave your premises, you are still operating in the spirit of '76, 1876 that is. If you have inhibitions against laymen consulting legal tomes, you are still operating in the tradition of the twelfth century cloisters.

Law libraries are not free legal aid bureaus. An ethical law librarian would not give legal advice any more than would a reputable pharmacist do counter prescribing. In both instances, the job is that of dispensing; books on the one hand, drugs on the

other. A law librarian is not expected to serve as a legal counsel to readers, but he can be a fine bibliographic consultant to help them locate laws, decisions and other information that may be found in legal publications. Lay people like to look up points of law, and you will not be depriving any attorney of a client merely by assisting some reader to be his own curbstone lawyer. Let the people have the books and they will soon realize the importance of sound legal advice.

What is your view concerning inter-library loans? Are you allergic to them? You know the aphorism: "a book not in use is of no use." Through a liberal inter-library loan policy, you can more readily convince other librarians of a sincere desire to cooperate with them than through any other practices that you might adopt. The day when every library was a world and law unto itself is passed. The modern concept of librarianship is that all the books of the nation form a vast pool or fund of knowledge and that each librarian is merely a trustee commissioned to ensure fullest use of his portion of a great national resource.

You are not making the impact on librarianship that you deserve to make solely because you ignore non-legal aspects of library work. The American Library Association is meeting in Philadelphia this week. Many of you should be there making your contribution to library development. Instead, you are sitting here indulging in a lean bill of fare, thereby precluding any chance for participation in the conference of our most significant library organization. You are curious to

know "How Others See You." Yet you do not give others a chance to "See You." Perhaps it would be beneficial to meet jointly with the ALA, as various divisions of the American Association for the Advancement of Science meet with the parent body.

Does close association with members of the bar give you an addiction to quibbling and dissension? Last year some of you participated in a "Discussion on Education for Law Librarianship." A reading of the proceedings reveals that little attempt was made to resolve the question, but that considerable time was spent in quibbling over minor details and in building straw men that could be blown to pieces with gentle puffs. You debated, for instance, whether a law librarian might be called upon to prepare briefs, overlooking, momentarily, that any bright person can learn how to prepare briefs. The ability to do a specific task is not the hall-mark of any profession. A butcher knows how to hack and saw, but this does not make him a saw-bones. The ability to write a brief does not transform a person into either an attorney or a law librarian. Further reading of the proceedings of your panel on Education for Law Librarianship reveals that your representatives, in the heat of argument, misunderstood Dean Asheim and even distorted his ideas. The impression gained is that some of you have greater zest for argument and contention than you do for determining the best method for training law librarians. You need only look through back issues of the *Law Library Journal* for further examples of the quixotic practices of law librari-

ans. Tilting with windmills should be left to Don Quixote.

By this time you may be fed up, becoming aware that things are being laid on too thick. There is a popular television program called, "You Asked for It." You are getting "It" this afternoon because "You Asked for It."

MRS. LIBBY F. JESSUP: I would like to take issue with Professor Bauer on his attitude toward self-survey. I think self-survey is probably one of the most beneficial types of examination, and I think that perhaps his attitude is somewhat conservative. He thinks of surveys and mechanical devices for discovering facts as a substitute for thinking. I don't think that is quite fair. I think an aid to thinking is found in ordering of factual material from which a person can draw a conclusion which I believe is generally beneficial to the group.

MR. BAUER: I have no comment at this time. Thank you. I have simply never read a good survey in my life.

MODERATOR CHECKLEY: I said the same thing when I was going to library school, and I got a "B". *Laughter* I might say that aspect of his speech was written before he knew we had voted \$4,000 for a survey. It really isn't fair to him.

MR. ERNEST BREUER: I am inclined to agree with you that the ALA has surveyed itself to death for the last fifty years, but what alternate *modus operandi* would you suggest, Professor Bauer, instead of a survey for self-soul searching, and discernment in any organization, to find out what their weaknesses are, and where their strengths lie and how they can improve themselves?

MR. BAUER: I have very definite ideas along that line. You have an organization like the ALA. You get a good executive secretary. You want to give him his head and let him run the show as best he can. As the years go by, he will develop certain strengths and certain weaknesses. For my own, I want to live with the weaknesses and not bother looking for them all the time, and get the good he has to contribute.

In time he will retire, and you get a new person with new blood, with new ideas, and you will hit new leadership in another direction, and I don't think a survey does anything but torment us.

The man can never change his method of operation. If he is a good man, he follows his bent, and his great capabilities, and you come in and survey him and tell him why don't you clean out the cupboards, and why don't you keep some records here, when he may be doing a good promotional job. I say during that era, let the records lapse, or be weak. Let him do the good promotion work.

Now, the next person you may employ, may be a records man. Let him clean up the records. I am quite sure promotion will suffer for a while, and so forth, so I think progress comes through the strength of our people.

MR. BREUER: I was the victim of a so-called survey. I happened to be chairman of what we term the New Horizons Committee, and one of the strongest points we made is we need, for the sake of continuity, an Executive Secretary. I know this entire Association would be very, very thankful to you to find how to get a paid

secretary with a home when you don't have the funds for it.

MR. BAUER: You mean your own organization. If you don't have the funds for it, you just do without. I wouldn't expect anybody to be foolish enough to work for nothing, and there is just no answer to that. That is, drift along the best you can. You have got a good organization, and live as long as you can without a paid executive secretary because once you get a paid executive secretary, he leads you by the nose, no matter what the organization is.

Every organization is damned once you get a person on the payroll because he has to shape the program to hold the job, and it holds true in private associations as it does in a government unit. A person just does not want to let go of a connection and so as long as you work without an executive secretary, you are going to have a program pretty much to your liking.

Once you get an executive secretary, you are going to have a program to his liking. It may have a lot of good features you will like, but he will have some things you detest.

MODERATOR CHECKLEY: You are an excellent historian, Dr. Bauer. I think that is undoubtedly what happened in this country. The executive secretary has taken over lock, stock and barrel, and you know as long as you have none, you own your own soul.

Mr. Checkley introduced the next speaker, Professor Richard Cosway of the University of Cincinnati Law School, talking on "As the Patron Sees Us."

PROFESSOR COSWAY: Let me disclaim at once any originality for what I

am about to offer. Some of the less significant suggestions are my own, but many have been suggested by friends with whom I took counsel in preparing these remarks. I talked with several and wrote to many others, asking in polite and general terms: "What, pray, is wrong with your library?"

I do not claim that any scientific method was used in collating this information. I wrote to my friends, and I loaded my question. I wanted to insure an answer, so I warned them specifically that they need only suggest what was wrong; they did not need to furnish a remedy. Had I besought a remedy, I would have diminished by about 90% the few replies I did receive.

And some of the answers I got back were gems. "Librarians talk too much." (A generalization, of course, most likely based upon one unhappy experience.) "We have too many Pennsylvania cases in our library." "Librarians are too quiet; they should be more friendly." "I never can find any Pennsylvania cases in our library." "Librarians use too much lipstick." "Librarians are crabby old . . ." (I censor the balance of that report.) "Librarians don't use enough lipstick; they should spruce up more." "There's nothing wrong with our library; I'm the chairman of the library committee."

Two of my friends came through with probably the best criticisms: One said, "you talking to a group of librarians. What makes them think you can read?" Another said, "I don't know anything about libraries, but if I were you, I'd go to the library, get a

book of stories, pick out ten about librarians, tell them, and then get out by the nearest exit."

That, then, was the area in which I had to work.

These, though, are my specific criticisms: First of all, I am personally convinced that there is an ogre in every library who gets more utility from the books than I do. I have never seen this being. He never signs for the books, but a member of the staff always knows when he's in the picture. They call him the Book Binder. For all I know, the Book Binder may be a creature dreamed up by the members of this association to account for missing books. When a would-be borrower requests a book and meets the reply: "It's at the Book Binder's" the reply is as final as a reply to a creditor that the debtor has gone to His Reward. Indeed, it is even more final. There is no answer to the Book Binder line.

Now, this Book Binder is a loathesome and clever creature. He doesn't fool around with old books. He likes new materials, and he is especially fond of recent periodicals. Specifically, he always seems to wait until articles get listed in the Index to Legal Periodicals, then he swoops them up and away. Prior to their listing in that index, he knows no one will need them. But just let them get listed, and off they go.

Furthermore, they frequently disappear during summer months when law teachers are supposed to be writing learned articles. I know of nothing more frustrating than to find a reference to a very, very recent discussion of some point wherein the law

is in flux, only to find that the Book Binder has the article under his dominion. What does the researcher do? Take a substitute, say an article dated 1895, which the book binder would not touch with a ten-foot pole?

Maybe there is no solution. It may not be practical to allow unbound periodicals to remain on the shelves for, let's say, a year, until their newness and freshness are worn off. It may not be practical for libraries to acquire two copies of each periodical, so that only one goes to the binder. It may not be practical to limit the amount of time the binder may keep the books, to say a few days or weeks. You will reduce the death rate among law researchers if, though, you find a solution. Frustrations will be reduced. Perhaps the best available solution would be to notify the faculty two or three weeks in advance of delivery of books to the binders, so that they might arrange their schedules to overcome the problems posed by the missing books.

A second suggestion, derived from several sources, is the need for informing the library customers of the available product. There are three suggestions that I have received on this point: (1) The members of the faculty (at universities) or, I assume, of the law firm, should receive lists of recent acquisitions. This may be the only way in which the teacher receives prompt information about new books. (2) It would be very helpful if the librarian could furnish an index to legal periodicals more current than the nationally published index. I know that this is done in some libraries; it is not done by most. It is

a large undertaking which some of the smaller schools could not afford to essay alone. I know not whether they could cooperate on some venture. (3) The members of the faculty and staff ought to be consulted in the matter of selection of new purchases. I do not know precisely what this suggestion involves. It is not mine. I should think, though, that any librarian will accept suggestions as to proposed purchases from the staff. If you won't, shame on you. Whether you should, in addition, submit for faculty selection notices you receive about new publications is another matter. I think it could be done with minimal trouble, and, again, would enable the faculty to keep abreast of new publications. But each member of the staff would insist on the purchase of all books in his special field. The results are unpredictable.

A third suggestion, derived from practicing lawyers, is the need for legislative histories of federal and state enactments in available form. In this field, most of us untutored lawyers are familiar with the work at the Covington and Burling firm in Washington, D. C. There may be other similar undertakings. But many of the smaller libraries have not availed themselves of these services.

A fourth suggestion is much less elaborate. I am never sure when I have found the most recent pamphlet in some publications kept current by the use of pamphlets. Maybe there is a clue about which I am not informed, but I think particularly of Shepard's citators, which are available in bound volumes, supplemental bound volumes, supplemental red paper bound

volumes, and supplemental white paper bound volumes. Is it not possible to rubber stamp each volume which is to be retained after a supplement is issued with the words: "Not final"? The user could then know that, once he reached a pamphlet not so marked, that he had exhausted the work. If all readers knew the frequency with which supplements are published, this would be unnecessary, but I do not know that. I hope there are other library users who don't know it either. It may, indeed, be desirable to stamp each new acquisition with the date of its arrival. This would enable the user to have some idea of the age of the book he was using, and thereby enable him to evaluate the up-to-dateness thereof.

There is a final, simple criticism that causes slight irritation to me. It often happens that a library will acquire several sets of some leading text, let us say Wigmore on Evidence. Those texts are, of course, purchased primarily for the students' use, as they should be. Keeping the pocket parts current is expensive, so (unless I am in error in my observations) a library will often purchase only one set of pocket parts, keeping one set current and the other about one year behind.

The student, reading with a view of supplementing his knowledge, is not particularly interested in whether he has the very last word from the treatise. He doesn't care that there has been a recent Rhode Island decision involving footnote 83, page 1029 of volume six. But the researcher may find it material to have the latest available word on a particular point. He doesn't know which of the sets

contains that word, so he must pick out the particular volume in both sets, see which contains the most recent pocket parts, and use that one. Would it not be a simple matter to mark on the outside of the book, by a star or some device, which of the sets contains the most current pocket parts? This, I admit, is pretty picayune, but you've invited me to come with suggestions.

Let me, in closing, express a question. This is an area where, I know, there must have been intramural discussion among you librarians. It is a technical area, one in which even I won't venture. But let me at least show you that some of your customers see the problem. My question is, why is it that so many of your libraries file texts chronologically by author rather than by subject, using the library of congress filing system of numbers? For users not admitted to the stacks, the matter is of no consequence. But those who are permitted to go to the shelves for books, and, I should think, for the library staff who are sent in search of books, it seems to me that in large libraries, time could be saved by grouping the books by subject-matter, insofar as possible. In one library where books are so filed, I have personally found it most helpful to be able to go to the area in the library where my subject can be found and browse through the books themselves, looking for particular points. The indices of the volumes are much more revealing than the card in the card catalogue.

But I prefer not to enter into such esoteric matters. I have abused my privilege by even this question. I hope my suggestions have seemed petty. If

I leave you with the impression that I had no really serious criticism, your impression is accurate. Some weeks ago, May 2, I believe, Newsweek magazine published a description of a European newspaper publisher as "looking more like a librarian." Omitting such questions as more like a librarian than *what*, one observes the basic fallacy, by this audience convincingly refuted, that there is a mold for librarians. I hope I have not been guilty of a similar fallacy in talking about *libraries*. I know there are individual differences, but I hope I have had something to say for most of you.

Mr. Checkley next introduced Mr. Fred B. Rothman, formerly librarian of New York University Law Library and now of Fred B. Rothman and Company, speaking on "*As the Dealer Sees Us*."

MR. ROTHMAN: I take my text from a little book originally published by Her Majesty's Stationery Office in London. The book is entitled, *Plain Words*, and was written by Sir Ernest Gowers. It is designed as a style manual for the improvement of the language and style of Her Majesty's civil servants. I can strongly recommend the book to you not only for improvement of style, but also for your amusement. I think you will really enjoy reading it, but I am only taking the title as a text, and the reason I take the title is that we get a good many communications that are quite confusing.

When Mrs. Rothman says to me, "I should like to have a mink coat," I know it is wishful thinking, but when a librarian writes and says, "we should like to have the following titles," I

don't know whether that is a request for a quotation, whether it is an order, or some wishful thinking. Sometimes we can guess if we know our correspondent well enough, but that isn't always the case, and sometimes it is quite embarrassing.

We have somewhat the same situation with reference to claims, or we think they are claims. Someone will write with reference to a recent number. We carry the subscription. We don't know from the wording of the letter whether they are complaining about the non-receipt of the issue, or whether they are ordering a replacement or additional copy.

The only suggestion I can make on that score is the same one I frequently make to people in my office. I say, after you have written a letter, assume you know nothing about it, and read it. If you can still make it out, you can send it out.

We keep getting that all the time, and incidentally, since I have mentioned claims, let me say this. We get a pretty good picture of a given library or librarian from the way their continuations are handled at their end. It is a very easy thing to get to. If we get a dozen or two dozen claims for a particular issue of a periodical from twenty different libraries, we know very well that something has happened to the shipment of that given issue at the point of origin. If at the other extreme we get continuous claims for our issues from one institution and no one else is claiming it, we can be pretty sure there is poor post office service at that institution within the institution or poor checking service.

There is a very easy way for you to evaluate your own setup to see how many claims you make.

In this connection it should be noted that more and more publishers are now taking the attitude that they will not honor claims for back issues which are made after one or more subsequent issues have appeared. I feel that this rule should not apply in those instances where a publication just stops coming and you do not have the arrival of a new issue to point up the fact that the previous issue had not been received. Complete stoppage usually indicates the loss of a mailing plate at the mailing point. In this connection, I would suggest that you do not wait until a volume should be complete for binding before making your claims. Make them as soon as the next issue has been received.

On the other side of the same question, there is the library that has a very excellent follow-up system for claims. This institution will claim a volume the month it is due, reply will be made indicating the volume has not been published as yet and probably will not be published for several months. Because there is too much reliance on the follow-up system, the claims will keep coming out every few weeks for the same volume with no acknowledgment whatsoever of the report that has been made. This is only another indication that no system is any better than the people who are working with it.

If you can discover the cause, you can usually cure it, and while we are speaking of claims, that brings us to law reviews. I think there is a service that most of you can render your in-

stitutions, and I think it is a very important one. It is quite aside from the library.

I have only been able to think of two reasons why a law school should publish a law review. One reason is to give the students an opportunity to write. The other is to increase the prestige of the law school. If you issue a law review and you don't distribute it properly, and you don't answer correspondence concerning it, after a while people wonder not only if the law review exists, or even if the institution exists, and if they had ever seen the institution, they sometimes wish they hadn't.

I suppose very often the powers that be in the law school are not actually aware of the situation. They not only are not aware of what is going on, but even more important, they are not aware of the effect that it has on the world outside that particular law school.

Now, you have all had the experience, of course, with reviews of other schools. If that problem exists with your own review, you might quite cautiously bring it to the attention of your dean. It isn't a very difficult matter to correct. It is just if one wants to take the trouble of doing it.

To get back to correspondence, we frequently get long letters and lists which request either information or quotations or something similar. All of you at one time or another have been put in a position of where you had to prepare a list of periodicals or similar materials. You know how much trouble they are to prepare. I can tell you from our end they are even harder to answer.

I think that any time you send out correspondence along that line and you get a reply, you owe your correspondent the courtesy of an acknowledgment. You are not bound to buy anything. You are not bound to do anything else, but at least you can let him know he can close his file on this and say, "Thank you very much. We will take this under consideration." He may or may not hear from you ten years from now. That is not important. The important thing is to acknowledge. I keep hearing librarians complain about their failure to receive answers. I am here on the other side of the fence. I think one reason they don't get the answer, I think they forget to send the letter.

One more gripe. I can remember maybe five or ten years ago when the librarians in one part of the country were complaining that booklets were being sent out by dealers, and they weren't getting an equal opportunity to buy the material because the catalog would reach, let us say, the Pacific Coast much later than the Atlantic Coast.

I think that most of the dealers have now adopted the policy of spacing their mailings so that as nearly as you can control it, these lists arrive at the same time. Then a new complaint comes up. "Well, library A can wire you and immediately order something. We can't. We have to go through our acquisitions department, sometimes take a week or two months until the order will reach you. How can we protect ourselves?" and gradually a custom came up of allowing libraries to reserve material pending formal order, and it was a very fine situation, and by and large it worked quite well. But

there are some people who do not understand the purpose of this reservation.

To take an extreme case, let us take a librarian who picks up a list of two hundred items and checks off 100 which he would like to have in the library, if he does not already have them, and having done so, he writes or wires or calls the dealer to reserve these items. I am not exaggerating now when I say 100. It may be 10, and then he gives the list to some one on his staff to check to see whether or not he has or has not the material, whether he wants a duplicate copy or not.

He finishes the checking, and by that time the 100 items are reduced to 10 or 20 in the usual course. The requisition goes over to the purchasing agency, and he finds there are funds for only five, so he picks five of the ten he wants, and then three, four or five months after the reservation, the order arrives at the dealers. He is holding 100 items. He is getting an order for five.

I feel that under these circumstances the reasonable thing to do, the reasonable one from both sides, is not to reserve any material unless you seriously intend to purchase it.

In those few instances, and they are bound to occur and nobody resents them, where you found you made a mistake in checking and you don't want the material, or for one reason or another you can't purchase the material, the fair thing to do is to drop a post card and say, "Sorry, please cancel this." Don't wait for the order to come through because then the dealer is put in this position. Not only has he held the material and refused it

to other people who may have then gotten it from another source, but when he gets your order, he is not even sure you don't want the material.

He doesn't know whether this order is the complete order. You send him an order for ten or thirty items. The next day's mail or next week's mail might bring another order. He is still up in the air. He doesn't know what you intend to do.

These things are simple to handle. It only takes a post card in most instances. It is to your advantage. It is to his advantage. I say it is to your advantage because if you overdo any privilege too long, whether you know it or not, after a while the privilege is denied. You know that as well as I do.

This brings me to a prediction. As many of you know, procurement difficulties in some Federal Government agencies has led to new legislation which, in effect, requires government libraries to order volume by volume. Continuations on "until forbid" basis are no longer permitted. It is quite obvious that the legislation was not aimed at the libraries but I believe that the general effect will not be far from catastrophic. I want to make it clear that this is not a complaint. I suspect that the second hand book dealers are going to have a field day with the government libraries a few years hence as the libraries frantically try to fill in the sets and find that volumes and numbers are now out of print. It might not be a bad idea if the Washington chapter of the Association tried to do something about this problem.

I have had a good many questions with regard to returns, and here I

am speaking for myself. We have always made the practice in dealing with publishers not to return a book without permission. I think it is a practice that libraries might well follow.

We divide returns into three categories. Returns that are due to errors on our part. In all those instances we always urge our customers, no matter how reluctant and no matter how long a time has elapsed, to return the material.

There is some material that a library would like to return because of an error that was made in ordering, and there I think the question becomes one that is really for the conscience of the librarian involved. If the material is the sort that the dealer handles and stocks in the usual course, there is no difficulty about the matter. If he has one more or one less copy, there is no problem.

When you have the situation, however, where you have asked the dealer to get you something difficult or to bind something especially to match a set of yours, then I think the burden of the error should fall upon him who makes it to get back to the old rules of equity.

In those instances where the fault is the librarian's, but there is no difficulty about the matter, we usually urge our customers to return as we did in the first instance, but in those cases where we feel there has been an abuse, I am quite frank to say that we allow him to return it, but we do resent it.

There is one point I want to raise before I go much further. That is the question on the relationship between law libraries and general library ad-

ministration. We do get a certain view of that question. I can remember when the problem of centralization of libraries came to bloom. The theory behind it in many instances was that if you have a greater volume of the same type of work, you can perform it much cheaper. If you buy in greater volume, you can buy cheaper. This is saving in size. I think that those principles do not apply in this given situation from what we can see at our end.

For one thing, you have the general acquisition assistant who is familiar with the sources, and in the general book trade it does not follow that person will be familiar with the sources in the law book trade which are quite different. Greater than that, there is the problem of types of material. It is all very well to say that books are books, so pigs are pigs. But law books are published in a form quite different from those in most other fields, and if you would see some of the lists containing orders that come to us from general acquisitions departments, I think you would get as many laughs out of it as we do. In most instances we have to write and get the matter clarified. It's quite obvious the person who ordered doesn't know the difference between a report and a review, between a session law and a statute or collection of statutes. It leads to duplication. It leads to all sorts of problems. I had hoped that Professor Bauer would comment on this problem. I hope he will when I get through.

There is one other thing, and that is the question of buying procedures. In my mind I generally classify library buyers in three categories. There is the first group in which the li-

brarian buys helter-skelter. He or she will buy on the basis of the first salesman that calls or the first announcement that is received, and perhaps for that given institution it works as well as any other system.

The second group consists of those that will restrict their buying whenever possible to one source, for personal reasons, either they like the person or they feel he is particularly efficient, offering any one of a variety of reasons.

The third one is the rather shrewd bargainer who says, "There is a certain amount of business I can throw someone's way. I can buy the same material from somebody else at substantially the same price from a dozen different sources. What can I get for my institution?"

I have heard the word "service" in libraries bandied around a great deal. Every one has a different conception of what that service might be. Some feel if you put a salesman on the road, he performs a service to the librarians. He can't give a service to the librarian, if he doesn't know what the library needs.

I think service in this connection consists primarily of three things. One, providing information on request or otherwise with relation to either new or old materials. Two, to take away from the librarian the burden of maintaining continuations, the clerical work that is involved, the other problems that are involved, something you can get rid of quite easily at no cost. The third service—and I think it is an extremely important one that is frequently overlooked—is helping the librarian obtain the little thing, the thing you can either get for noth-

ing or a dime, but you don't know where to get it, or you don't have the facilities to get it.

Those, I think, with all the fine talk about service, are the only things that a book dealer can do for you. I say you can get all these services for nothing because you have something to give that doesn't cost you anything. I feel any librarian who doesn't demand that sort of service from the person to whom he gives his business is failing to get something for his library.

I have a good many discussions about that point. I haven't always discussed it fully. I don't think I am discussing it fully now, but I might say this. I had occasion yesterday to walk into the Chicago Bar Association and listen to Charlie McNabb with whom, as you know, I frequently disagree, and this time is no exception. I was listening to Charlie tell Joe Mitchell the basis on which he bought books. Charlie had everything categorized. I disagreed with everything he said, but I will say one thing for him. He knew how and why he bought books from certain people. He knew which kind he bought from which and why. Sometimes you might ask yourselves if you can say as much about your policies.

Applause

MR. CHECKLEY: I think we all owe a great debt to Fred Rothman. Some book dealers are a little too tactful to come up here and tell us what is wrong with us. Fred has been doing it year after year upon request. I think it takes a good deal more courage than most of us have.

MISS CUSHING: I would like to ask Mr. Rothman, I have been in the position he spoke about of requiring the

consent of the publisher or the book man to return books. What do you do in the case of a person like myself who does not have the full power to buy until I put the book before my board of trustees? Must I get your consent when I write to you asking to send something?

MR. ROTHMAN: If you write and ask for a book on approval, it goes without saying you can return it with the bill and say, "I don't approve." That is an altogether different situation from the one I mentioned. On an approval deal you are not ordering the book.

MISS CUSHING: I want to be cleared up on it. I know a few publishers have been rather—well, haven't taken it too kindly when I had to return something I had thought was very much needed, but the board didn't agree.

MR. ROTHMAN: I can't speak for the publishers. I should think in any relationship if *ab initio* you say: "I want this on approval," it is clear you have the right to return it without further correspondence.

MR. MARKE: I would like to ask Mr. Rothman how most dealers—I am not saying publishers—decide on the prices they charge.

MR. ROTHMAN: On what?

MR. MARKE: Anything. We find an item being offered by the dealers at various prices with quite a price range. Sometimes there is a difference of twenty dollars on a particular item. I just wonder what is that scientific approach that the dealer uses in setting a price for the material he sells second hand.

MR. ROTHMAN: I don't know if I am divulging a trade secret. I can tell you how I arrive at my prices. It is

truly very simple. On those things that appear on the market often, it is very easy. There is a market price just as there is for butter and eggs. You might pay a cent more in one store than at another. There is a market price.

The real problem arises with reference to those things that do not appear often in the market. There it is almost entirely not a matter of knowledge, but of feel. And lest Julius worry about it too much, let me say this. When I first started, I knew nothing about prices. I would list them in my catalog with fear and trepidation. I learned very quickly that if my price was too low, I got a half dozen orders from dealers. If my price was too high, I didn't sell it, and after a while, you learn to arrive at a price.

Now, you have a difference of price in hotels as well as you do in second-hand books. Now, wait, I know what you are going to say, and I am going to answer it before you say it. I have seen two sets. They were described in the same way. One set sold for \$200 and the other one sold for \$275, the same identical number of volumes, both complete, and yet the one for \$275 is a much better buy because the \$200 set needed rebinding.

Not enough librarians look at the condition of the books when they look at the price. Not enough librarians look to see how many and which numbers are missing.

To sum it up, let me say this. On a law review, we base our price as follows: If all the issues are in print, we sell at below the publisher's price, adding cost of binding at a rate generally lower than the library would pay for binding. If some of the mate-

rial is out of print, our price may be higher than the publisher's would have been for a complete set, and that depends—how much higher depends entirely on how often you can pick up a set and how many people want it. It is a question of what the traffic will bear.

MODERATOR CHECKLEY: If there are no more questions or remarks, we will pass on to the final member of the panel, Riley Paul Burton, Law Librarian and Assistant Professor of Law, University of Southern California, speaking on "As We See Each Other."

MR. BURTON: You may suppose that my appearance at the end of the panel places me in position of defense counsel and that it is my purpose to rebut the case made out by the other speakers. Or you may think that I am here to add to the list of things which are wrong with law librarians. I am not here to perform either of these functions. Rather, my mission is merely to catalog and describe law librarians as they may appear to one another.

It is true that my first reaction to this whole panel was to ask: "What has everybody got against law librarians? They never did anything." But, of course, I know as well as you do that there is nothing wrong with law librarians that could not be cured by the extermination of judges, lawyers, legislators, general librarians, law professors and students, law book dealers and publishers, library committees and boards.

However, since he must learn to live with one or more of these seemingly necessary evils, the best advice a law librarian could receive is that he take up an entertaining and profit-

able hobby. The particular hobby I wish to promote is inexpensive, educational and easily mastered. In short, I invite you all to join the *Society of Indoor Bird Watchers* and to share the excitement of identifying and observing the many rare and common breeds of Indoor Birds to be found in law libraries across the country.

Now chances are that some of you have already indulged in this gentle avocation. There have been a number of guides and manuals published. For the most part, however, these have been devoted to the more conspicuous types with which you are all familiar, such as the DOUBLE-BREADED SEER-SUCKER, the FAN-TAILED DOWAGER, the HOLLOW-CHESTED NIT-WIT, or the SCARLET TEENAGER. On a domestic level you may have encountered a RUFFLED SPOUSE, a SHORT-TEMPERED SHEET-SNATCHER, an ALL-NIGHT THRASHER, or even an EXTRA-MARITAL LARK. With the advent of television, a number of new breeds have developed, such as the SWOOPING CHANNEL-CHANGER and the SLIPPED GLUE-TAIL.

However, I should like to describe briefly a few of the species that can be seen almost any day in many of our own law libraries. It is true that most of them frequent other habitats as well and are by no means confined to one side of the circulation counter or reference desk. Since exotic breeds often seem the most interesting to the beginner, let us first consider the denizens of institutions other than our own. Due to their infinite variety, it is extremely easy to make erroneous classifications. This is especially true of the pictures we get through correspondence.

Now although our feathered friends

once provided quills for pens, messages have long been carried by pigeons, and bird calls are often used as signals, communication is not the most highly developed skill among Law Library Birds as a whole. How often have you written to a MUTE SWAN who goes peacefully gliding along without ruffling a feather in response? Or perhaps you know a BULL-HEADED KEYPECKER who pounds out all his own letters, either distrusting or lacking entirely a capable SECRETARY BIRD, and is constantly weeks late in answering correspondence. The INSIDE TERN or WHIRLY BIRD is simply too busy being a Big Wheel to bother with the trivia in his mail basket. And the MUD-DLE LARK keeps such a messy nest that a letter may be buried for months before it is uncovered. Then there is the JUST PLAIN LAZYBIRD.

There are others, however, who are over-communicative either on paper or on the telephone. The BABBLING THRUSH is merely a bore. More irritating is the REPEATED POLL-TAKER or END-LESS QUERIO who deluges us with questionnaires from time to time. Related is the LIGHT-FINGERED BRAINPICKER who freely solicits your ideas which you later find in print over his name. More useful types are the FREE-WHEELING MIMEO and the MULTI-COPY MEMO-MAKER who see that important information is distributed to everyone concerned.

When it comes to interlibrary loans we sometimes find the PENNY-PINCHING SAPSUCKER who tends to regard an obliging lending library as a sort of warehouse annex to his own and does not bother to purchase any item which can be obtained in this fashion. On the other hand, the RELUCTANT SPARE-O

refuses to make any loan unless he has at least 12 copies of the publication, none of which has been checked out in the past five years.

The exchange program has revealed a species of COWBIRD, bent on depositing worthless débris in the nests of others, and the GREEDY KINGFISHER, who, though loaded with choice duplicates, will make only the most advantageous trade. I have also heard Bird Watchers mention the DIRTY ROOK, but I am uncertain whether the specimen was an exchange participant or a book dealer.

A personal visit may give the observer an entirely different picture. If you drop in unannounced you may find anything from a NODDING NAP-CATCHER to a ROUND-SHOULDERED DRUDGE, a NEAR-SIGHTED LIST-CHECKER, or a LOOSE-LEAF FLICKER. More colorful is the BARRED AVOCET or LEGAL EAGLE when he is busy expounding the law to an ignorant patron. Near the end of the fiscal year is the best season for spying an INFLATED BOOK-BILL or OVER-ENCUMBERED BUDGIE.

The visitor himself may be identified as merely a QUICK GANDER, or perhaps a BRIGHT-EYED GAWK, interested chiefly in the physical equipment or stack arrangement of the female personnel. Even less welcome is the UN-CALLED-FOR SNICKER, or SMIRK, who clearly regards everything about your establishment as vastly inferior to his own. The PUFFIN is naturally prone to exaggerate the virtues of his own nest but is much less obnoxious than the BALD-FACED LYRE BIRD.

The various breeds are known to flock together annually in a different location each year, offering an excel-

lent opportunity for observation at close range. The HAIRY-CHESTED BACKSLAPPER is more likely to be a book salesman than a law librarian. Inevitably there will be a DUCK-BILLED PLATITUDE or two among the convention speakers. And you may find several birds of prey in action: ROBBIN' VULTURES or SAP-CATCHERS, attempting to lure the best members of your staff into flying south with them. These gatherings are partly social activities, however, and noting that the next scheduled event is a cocktail party, it may be possible before the evening is over for you to identify through the bottom of a Martini glass a RED-EYED BLEERIO or even a MARINATED HERON. I only hope there will be no BLUE-NOSED KILLJOYS present.

But how do these specimens appear to their staffs who observe them every day? Well, I've heard one administrator referred to as a GREAT BALD EGO, a breed characterized by overdeveloped vocal cords. Then there is the SORE-HEADED GROUSE who may suffer from an ulcerous condition of the craw. The PETTY SNIPE is hypercritical of minor shortcomings. The BANDY-LEGGED MARTINET is a strict disciplinarian. Particularly unpopular is the JACKDAW OF ALL TRADES, who insists on making every decision himself and refuses to delegate authority along with responsibility. Again, we have the SOLITARY CREDIT-TAKER, who never acknowledges nor compliments the efforts of his staff. The HOVERING COOT keeps a very sharp eye on their every move. The RUBBER-SOLED F.B.IBIS is also a distrustful type, given to surreptitious snooping for transgressions.

Turning to the staff itself, we also

find great variety in song, plumage, pattern of flight and nesting habits. Libraries are always identified in cartoons by prominent signs demanding "Silence" or "Quiet". Yet, in the work area, how often can you find some noisemaker such as the BREATHLESS HUMMINGBIRD, the WHISTLING LOON, the SELF-STYLED WARBLER, the DEEP-THROATED HAWK, or even the AUDIBLE SWALLOW. Then there are the TWITTERING CHITCHATS and RAZOR-TONGUED CAT-BIRDS, whose gossip may occasionally be interrupted by the call of the BLOOD-CURDLING SHRIKE or the GUFFAW. The subject or victim of their conversation is often the THIN-SKINNED WHIMPERWILL.

And what fortunate staff has not numbered among its personnel at least one KNUCKLED-HEADED BOOBY or FLIBBERTIGIBBET? These are true bird-brains and while traditionally they are always pictured with blonde plumage, they can be found with other markings. We also may see the GIMLET-EYED CLOCK-WATCHER, the RESTLESS FIDGET, the LIGHT-HEADED DAYDREAMER, the RED-EYED HANGOVER or EXTENDED BAT. Less pleasant company is the GREAT STENCH, who may be a garlic-eater, or merely a non-water fowl. Foul he is, in any case. The LESSER STENCH holds an unconquerable belief in his power over the opposite sex, but relies heavily on various lotions, potions and perfumes in his attack on the olfactory sense on the theory that the way to the heart is through the nose. The STOOL-PIGEON or CARRY-TALE is popular only with an F.B.IBIS type of administrator. Occasionally you may have been troubled by an OVER-EGRET or HALF-COCKATOO UPSTART. These are often just out of

Library School and require a periodic clipping of the wings to keep them in hand.

I see that my time has gone and if I can only be permitted a brief conclusion, it seems clear that the characteristics of the Indoor Birds we have considered are remarkably similar to those of human beings. There are those who would go so far as to insist that law librarians *are* human beings. In any case, the problems of interrelations of law librarians appear to me to be one primarily of human relations. Improved efficiency and cooperation could eliminate most complaints between institutions. Improved personnel relations on the part of the administrator and improved job performance on the part of the staff could greatly facilitate matters on an intramural level.

Perhaps I should have prefaced my remarks by stating that although in a sense I am representing the Southern California Association of Law Libraries, that group is in no way responsible for the opinions expressed. Indeed, you may have concluded that I am not very responsible, myself. I might also have said that any resemblance to pigeons living or dead is purely coincidental, but that plainly is not the case. I am relieved, however, not to have detected any PURPLE FLINCHES in the house, so I wish to thank you for taking this in good grace, or more probably, I suspect, for assuming that I was talking about someone else.

MODERATOR CHECKLEY: Are there any other remarks or questions? I believe the procedure is to turn the meeting back to Marian.

PRESIDENT GALLAGHER: Mr. Bauer

wants to make a remark before we go back to the business session.

MR. BAUER: I was asked the question a while ago, and I didn't answer at the time for the reason I thought we were running behind time, and I had no intention of avoiding it. It was with regard to surveys.

I am a very strong believer in self-surveys or self-analysis. If something is wrong in the library, I work in, I think I should try to figure it out, and I think it is a lame process to say: Let's hire somebody to come in and figure out the solution to it. I think in an Association like yours, if you feel that there is room for improvement, you have got an officer group and an executive board, and I think that they might do some analyses and study, and if they are incapable of that, perhaps they might use a committee from within your own ranks, but what I am a firm advocate against is this business of running out and getting somebody else to come in and help you when you can help yourselves.

You all have common sense. You are just as bright as the person you hire, but because you pay him, you think he is good.

Then I owe an answer to Mr. Rothman because he asked me about this problem that I paid no attention to, and that was the autonomy of law libraries.

In my original remarks I did have a brief allusion to it. It was brief for the reason I don't think those of you who have one opinion or those who have another could ever be convinced, and I once read a statement of Lewis Carroll who said the older he became, my view of life is that it's next to im-

possible to convince anybody of anything.

But answer his specific remarks, I think that in any large system it is unwise if it tries to have incapable people order law books, and if you have a law library and a law staff, of course they should select the books they order and work out the order forms so that they go to the dealers correctly.

I learned a great many things that can be applied in any part of a library system from Mr. Rothman's remarks. I think that if you have a centralized system, it is not necessary to centralize your ordering. I do think that it is wise in a big establishment to have a centralized overview of everything that is going on.

It doesn't only apply in academic institutions. If you have a state system where you have a state library and state law library, I think there should be a board that is over both of them so that it can balance them and get equity, not with the view of centralizing purchases.

I know that a library such as the one I work in would flounder if we had to buy our books through a state purchasing agent who knows how to buy a million tons of concrete and asphalt and things that big contractors are interested in and would do a slovenly job of ordering books and periodicals.

I have one closing remark to Mr. Cosway. He felt that lay people should not have access to law libraries, if I understood him correctly. Well, I know an English teacher, and he said that nobody should be privileged to read Chaucer excepting himself and

those students that had Chaucer. He said, "They don't understand it. It would do them no good." I know if you come in most libraries, you can get recipes and books on chemistry that will enable you to blow up a town. We don't say to a chemist: "No, you cannot use those books." I think we should let everybody have all books, and let them swelter in their ignorance. It's wonderful. My belief is when they discover how ignorant they are, then will they have sense enough to go to the practitioner for help.

PRESIDENT GALLAGHER: Mr. Forrest Drummond will report on the discussion concerning Indexing of Foreign Legal Materials.

INDEXING FOREIGN PERIODICALS

MR. DRUMMOND: Last evening more than fifty of us participated in the discussion on foreign law periodical indexing and abstracting.

The results of that discussion will be summarized, multilithed and sent out to all those who want it. Although it was a specialized group it appeared to have a much wider interest than was anticipated.

The main result of our meeting was that it was felt that another survey should be made [*laughter*], a survey of the problem of foreign law material indexing. I don't think that we need to talk too much about why the thing is necessary.

I move: that a special committee be created to formulate plans for indexing and abstracting foreign legal materials in cooperation with other interested organizations and to submit a proposal to a foundation requesting

funds to support a detailed investigation of the problem. *The motion was seconded.*

MR. DRUMMOND: I am sure someone is going to say: Won't this compete with the big survey, and isn't there overlapping and so forth? I think that in neither case is that anything to worry about. In the first place, we may not be the main organization presenting the proposal. But it was felt someone had to get the ball rolling.

There are many other organizations who are interested. Some of them were present last night. Our committee would work with them and by cooperative effort, have all of those organizations get this proposal going. *Upon a vote, the motion carried.*

PRESIDENT GALLAGHER: Miss Fenneberg, Chairman, will give the report of the Committee on Exchange Files.

EXCHANGE FILES

MISS DORIS R. FENNEBERG: The earlier report of this committee was prepared as of April 1 and since that date, an additional five dollars has been paid in, making the total receipts \$85, representing 85 memberships. We have expended a total of \$25.58 for postage. We have a balance of \$59.42 as of July 1.

Although the Executive Committee of the Association voted to pay for the mailing of the first notice to all AALL members concerning the new exchange plan, this cost was assumed by my university. The entire program has been carried on at no cost to the Association, and only one-third of the special fund has been expended. That means that we can carry on another year without any additional assessment.

If mimeograph costs are added, we may have to make a new assessment, but so far the six lists that have been prepared have all been prepared without any cost to the exchange program. The persons preparing it, having the cost assumed by their library. The committee recommends that the program be continued as it has been carried on.

I would like to urge that more libraries join the plan. I want it clearly understood that even at the present time if you are not able to list any duplicates of your own, you still can join the plan. There are some items that are listed for sale, and there are some libraries that are so anxious to get rid of their duplicates that they don't care if they get anything in return or not.

I do suggest that if you do not have anything to offer, that you at least mention that fact to the library when you request material. I think that if more libraries join the plan, we will have a better idea of what material is not worth keeping. We can tell by the fact that certain items are not called for at all.

I also wish that members who are participating would follow instructions. Some of those who have prepared lists have had some very difficult moments trying to carry out or rather to assemble lists when the listing was not made according to instructions.

I feel that another item that could be a feature of this program would be a want list, limiting each library perhaps to one item per list. That would enable the library to list a certain volume and a set, to ask for that particular volume.

Mr. Earl Borgeson of the Harvard Law Library has suggested that duplicates that are not moved through the exchange program might be sent to the program known as "Books for the Far East." I would suggest that before you throw any material away, if it has not been called for, that you contact Mr. Earl Borgeson at Harvard Law Library who will gladly explain the program and give the information as to how this program works.

I move that the program be continued as it has been operated this year. *The motion was seconded and passed.*

The meeting recessed at four-forty o'clock.

THURSDAY EVENING SESSION

July 7, 1955

The Annual Banquet meeting convened in the Gold Coast Room at seven-thirty o'clock, Professor Mortimer Schwartz, Toastmaster, presiding. The invocation was delivered by the Reverend Redmond Burke, C.S.V. The Annual Banquet was served, after which the meeting convened at nine-fifteen o'clock. The Toastmaster then introduced the Speaker of the Evening, Willard Leroy King, Esq., speaking on the "Experiences of a Biographer."

MR. WILLARD LEROY KING: Mr. Toastmaster, Ladies and Gentlemen: It is a great honor to be asked to speak before your Association. I feel like an alumnus. I was for ten years a member of this Association. I shall not abuse the privilege of speaking to you by detaining you on a night like this for any extravagant length of time.

I was asked to tell you about the delights of a hobby of mine. I should like to sell each of you that hobby. It is collecting for biographies. Writing a biography is a dismal job; making the collection for it is a joy. As boys you may recall that you collected stamps, marbles, birds' eggs, butterflies or Indian arrowheads. You ladies may remember that once you collected hair bows, silver spoons, charms for bracelets or picture postcards. Later, perhaps you males turned to collecting guns or first editions, and many of you girls have doubtless collected old glass or antiques. Well, collecting for a biography is just like that, only more fun.

A decent biography must be written from original sources. These are largely letters of your subject. You will be astounded how many attics in America have bundles of old letters preserved in them. Another principal source for biographies is old newspapers. These really tell the story of the epoch in which they were published.

I can perhaps best make my argument by concrete examples: As your Toastmaster has said, several years ago I started to collect for a biography of Melville Weston Fuller. Many people have asked me how I happened to select him. He had been president of the Chicago Law Institute, and when I held that position I tried to find out something about him and found that no biography had ever been published. When I was librarian of the Chicago Bar Association, we had given to us some old briefs of Fuller's which I regarded as quite a prize. Slowly, piece by piece, I started to collect let-

ters by and about him. My biography of him was published several years later by the MacMillan Company.

Fuller was a Maine boy; he went to Bowdoin College and Harvard Law School. He came to Chicago in 1856, and after a successful career at the bar he was appointed Chief Justice of the United States in 1888 by President Cleveland. He served until 1910—a longer term than any Chief Justice except Marshall and Taney.

In the early days of my collecting I learned that a granddaughter of his, in Tarrytown, New York, had a trunk of his papers. But she had always refused to show them to anyone. Robert Maynard Hutchins had once sent a graduate student, with a written request from the Chancellor, down to Tarrytown to look at the papers, but the student came away without seeing any of them.

In that period I was going to New York occasionally, and I made it a practice whenever I was there to drop in on the lady and discuss her grandfather with her. In the early years of my collecting, she sometimes showed me a few papers from her trunk, but nothing of any importance. However, I soon met many members of the Fuller family. These included an old retired lawyer in Boston and a retired college professor in California. At my request, they wrote the granddaughter pressing her to let me see the papers. However, it was several years later, and only after I had told her that I thought I had as many Fuller papers as she, that she finally slowly and reluctantly began to let me make microfilms of her letters. I finally examined every scrap of paper in the trunk and

made microfilms at the local bank in Tarrytown of every important paper.

In the meantime, I knew that my principal sources for Fuller's early life would be found in Maine. I spent a month there in 1945 and gathered a vast mass of material. Bowdoin College had several manuscripts of college themes written by Fuller a hundred years ago, and, most important of all, they had his library. It had been given to the college after his death by one of his daughters.

With the help of my wife and daughter I made a complete checklist of it on cards, with the dates of his acquisitions of the books and the many inscriptions that appeared in them. I must say, parenthetically, that this hobby of mine is the only hobby I have ever had that pleases my wife and daughter—it involves them in long vacation trips around the country while I look for letters. My cards on Fuller's library I arranged chronologically in five-year periods so that I could get a pretty good idea of what his reading had been in any era of his life. He had been an avid reader, and there were more than 6,000 books in his library.

My most interesting discoveries in Maine at that time were in newspaper files. I knew that Fuller had been editor of a weekly paper in Augusta, Maine, just before he came to Chicago. I finally found some old files of that newspaper and spent several days looking at them. This hobby of collecting manuscripts is like fishing—you go for days with only an occasional nibble and then suddenly one day the fish fairly jump into your boat. Several days' search of the newspaper files produced nothing, and I was very

much discouraged. But one day I found seven long letters written by him on his arrival in Chicago in 1856 telling about conditions as he found them here. These were anonymous but they were indubitably his. I fairly gloated over them. It was a matter of great regret to me that space limitations in my book cut me down to less than one-tenth of the material in these letters. They should be printed in full some day. They give a remarkable picture of Chicago as it appeared to a boy from Maine arriving there ninety-nine years ago.

But I must tell you something about my disappointments and failures. In the beginning I found three great mysteries in Fuller's life. The first was why in 1856 he suddenly pulled up stakes in Augusta, Maine, and came to Chicago. He had just been elected president of the Common Council and City Solicitor when he left. The second mystery was how at the age of 25 and less than two years after his arrival in Chicago he became the principal lieutenant here of Stephen A. Douglas in the famous Lincoln-Douglas campaign of 1858. The third mystery was how without any national reputation he was selected for the highest judicial office on earth by President Cleveland.

Once I thought I had a key to all of these puzzles. Fuller's great-grandmother was an aunt of the famous Dr. George Bancroft, historian, cabinet member, ambassador and political boss of Massachusetts. Bancroft had been the guest of the City of Chicago with ex-President Fillmore at the celebration of the opening of the Chicago and Northwestern Depot about two years prior to Fuller's arrival in Chicago. Bancroft was an intimate friend

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of Senator Stephen A. Douglas and they corresponded.

Bancroft was a frequent dinner guest of President Cleveland in the White House prior to Fuller's appointment. What more natural than that Bancroft obviously impressed by Chicago in 1854 had persuaded his young cousin to go there; had commended him to Stephen A. Douglas and had in later years recommended him to President Cleveland. I corresponded on this hypothesis with the biographers of Bancroft, with his grandson and with some of the Fuller descendants. All of them encouraged me to pursue my theory and some of them gave me straws to support it. For example, Bancroft's grandson, a retired college professor at Cornell, said: "I think your theory is entirely tenable. I remember when I was eight years old my grandfather said that I ought to study law because by the time I was old enough to practice, Chief Justice Fuller would retire and I could be appointed Chief Justice. My grandfather did not say: 'I had Fuller appointed Chief Justice, and I can have you appointed' but that was a possible interpretation of what he did say." Of course, I was very much encouraged to pursue my Bancroft theory by such straws as this.

But one day I laid my idea before R. D. Weston, a cousin of Fuller in Boston. He demolished it. "I talked with the Chief Justice many times," he said, "about our mutual relative, George Bancroft. I am sure that if Dr. Bancroft had had anything to do with his going to Chicago or his tie with Senator Douglas or his appointment as Chief Justice, he would have mentioned it to me, and he never did."

"Bang" went a beautiful hypothesis and several months of effort.

However, the mysteries all unfolded themselves in time. Take the problem of why he left Augusta just after his great triumph there. I found in the State Library in Augusta a poem written by him in 1854. It had considerable literary merit. My friend, Professor Zechariah Chafee of Harvard Law School, when I showed it to him, said at once: "That is better than any of his opinions on the Supreme Court."

It was a passionate love poem. It breathed an undying affection for an unknown young lady and deplored the fact that though his love had once been reciprocated, it no longer was. Here was a strong hint that a thwarted love might have had something to do with his leaving Augusta. President Sills of Bowdoin said: "You must find out who that girl was." But that was a tough assignment. I quizzed several people in Augusta, Maine, about it but without result. One old relative whenever I would broach the subject would say: "I know but I ain't agoin to tell you."

Several years later, however, in the trunk of Fuller's papers I found some letters written to him after he became Chief Justice by a Mrs. Susan Goodwin of Augusta. She was very imperious with the highest judicial officer on earth. For example, she demanded that a son of a friend be admitted to Annapolis. The Chief Justice arranged it. Later the young man was expelled. She wrote the Chief Justice: "Please have him reinstated." And the boy was taken back.

These letters raised the suspicion that Susan might be the girl of the poem of 1854—the Ann Rutledge, so

to speak, of his career. With this clew I found a whole flood of letters to confirm the thesis. He had become engaged to Susan while he was a junior at Bowdoin. Her mother and his mother encouraged the match. But Susan's stepfather, Judge R. D. Rice of the Supreme Court of Maine, opposed it. Under this pressure Susan was always breaking off the engagement. Soon after his arrival in Chicago, Fuller received a letter from his cousin, Ben Smith, of Augusta. "I think there is not the slightest doubt," Ben wrote, "of her love for you—but between her love for you and what she considers her duty to the elder party, she is placed in a very embarrassing position." Thus my first great mystery of why he went to Chicago was solved. And the other mysteries were cleared up in a similar way.

After I had finished my Fuller book, I found that I had to have another collecting hobby, and I started collecting for a biography of David Davis. He was the only other Chief Justice of the Supreme Court ever appointed from Illinois.

David Davis was the circuit riding judge who rode circuit with Lincoln. Davis is usually credited with Lincoln's nomination for President in 1860. Lincoln put Davis on the Supreme Court and when Lincoln was assassinated, Davis became administrator of his estate. I should like to tell you some of the pleasures we have had in collecting Davis papers on the Eastern Shore of Maryland.

My daughter went to college in the East at that time and was never averse to spending a short vacation down there while I looked for documents.

Annapolis isn't such a bad town for a college girl to vacation in.

On our first trip we wanted to see the old plantation house where Judge Davis was born in 1815, so we dropped down from Philadelphia to Elkton, Maryland, and hired a car for the day. The driver, a native woman, told us at once we couldn't get to The Rounds, Judge Davis's birthplace, because the dirt roads were impassable except in a jeep.

"How far is it from the main road?" I inquired.

"About two miles."

"Well, I can walk that," I said, and she gave me the look that women usually reserve for the feeble-minded. [Laughter]

I asked her to drive us to the nearest point on the hard road. When we got there, she said: "Look, you see, nobody could drive a car over that."

But she knew nothing of the doggedness of biographers. I got out and to my surprise and pleasure my wife and daughter joined me. We picked our way through the mud holes along a winding dirt road. One mile, two miles. No house in sight on the road. But it was a glorious day and the countryside was beautiful. Nothing lost so far except two pairs of nylons.

At about three miles we came over a hill and voila! The Rounds. It was well worth the walk. A big, brick mansion, of beautiful proportions set on top of a hill, overlooking a broad tidal river like Mount Vernon. It was built in 1740 and has been well kept up. Judge Davis owned it until his death. The natives still tell of a sudden visit that he made there in the 80's. He said he wanted to see the little room

where he was born. Everyone paled because the bed was not made. The Judge had that irascibility which President Jefferson said was the inevitable result of slavery because children heard their elders fly into a passion at the slaves. The Judge pounded his cane on the floor and said: "I want this room kept neat. Understand? Neat!"

Speaking of slavery, it is odd that the Judge born in a slave state of a slave-holding family should have been the man who made Lincoln President. You may imagine my pleasure when I found in the Archives of Maryland that David Davis was himself a slaveholder. His grandfather's will left him two Negro boys, Charles and Isaac. However, Davis's guardian sold them when he was five.

Searching for Davis papers takes one into the Lincoln field. For almost ninety years several hundred people have been looking for papers by and about Lincoln. You may imagine my delight when I found in the Davis mansion at Bloomington ten unpublished original Lincoln letters. I have received so far over ten thousand letters from the Davis papers in the mansion there.

Just the other day in searching through a pile of small town newspapers for the year 1861, I found an authentic Lincoln story that I do not believe has ever been published. When Lincoln left Springfield, the Southerners made many threats against his life. They boasted that he would never reach Washington alive. As the train left, Uncle Jesse DuBois said to Ward Hill Lamon, his bodyguard: "Hill, if anything happens to him, don't you

ever come back here." The new story that I found is this: An old farmer near Springfield was obsessed with the idea that Lincoln would be poisoned. The farmer came into Springfield to see him. Lincoln was holding open house in the old state capital receiving everyone. The old farmer said to him: "Don't ya eat a thing except what the old lady cooks for ya."

I also found in the Davis mansion some unpublished letters of Mary Lincoln, most of them connected with Lincoln's estate. During the period of probate William H. Herndon, Lincoln's law partner, in a lecture in Springfield first released to a world avid for details of Lincoln's life the story of Ann Rutledge. We all know how Ann's grave now bears a stone with Edgar Lee Masters' epitaph:

"I am Ann Rutledge who sleep beneath these weeds,
Beloved in life of Abraham Lincoln
Wedded to him, not through union,
But through separation.
Bloom forever O Republic
From the dust of my bosom!"

The American people love that story but careful historians are doubtful about it. Herndon drank. Mary Lincoln disapproved of him. He conjured up the story of Ann Rutledge out of vindictiveness toward Mrs. Lincoln. You may imagine my pleasure when I came upon an original letter to Judge Davis in Mary Lincoln's hand commenting on Herndon's original lecture on Ann Rutledge. She said:

"This is the return for all my husband's kindness to this miserable man! Out of pity he took him into his office when he was almost a hopeless inebri-

ate, and although he was only a drudge in the place, he is very forgetful of his position and assumes a confidential capacity toward Mr. Lincoln. As you justly remark, each and every one has had a little romance in their early days, but as my husband was *truth itself* and as he always assured me he had cared for no one but myself, I shall remain firm in my conviction that *Ann Rutledge* is a myth—for in all his confidential communications such a romantic name was never breathed.

"Nor did his life or his joyous laugh lead one to suppose his heart was in any unfortunate woman's grave, but in the proper place, with his loved wife and children. I would not believe an assertion of Herndon's if he would take a thousand oaths upon the Bible."

In conclusion, let me beg you to give consideration to this collecting project. It requires no particular ability—anyone can do it. It merely takes patience and persistence. It is richly rewarding in pleasure and satisfaction. I commend it to each of you. Thank you. *Applause*

The meeting recessed at ten o'clock.

FRIDAY MORNING

DEMONSTRATION SESSIONS

Three special committees were appointed by the President of the Association to collect materials on circulation procedures, financial records, and the preparation and handling of pamphlet materials for use at small group demonstration meetings conducted Friday morning. The personnel of the committees were:

Circulation Procedures—Earl Bor-

geson, chairman, Lionel Coen, Carleton Kenyon, Arlette Soderberg, Eda Zwinggi.

Financial Records—Virginia Engle, chairman, Lucy Bush, Hazel Key, Hibernia Turbeville, Francis Waters, Helen Snook.

Preparation and Handling of Pamphlet Materials—Doris Fenneberg, chairman, Mileva Bayitch, John Folger, Frances Henke, Virginia Knox.

Betty LeBus served as coordinator and John Leary acted as equipment coordinator.

Mimeographed materials were prepared by each group for distribution and "kits" were assembled by the financial records and circulation procedures groups. These "kits" include detailed descriptions of the financial procedures with accompanying forms in use in ten libraries and samples of circulation forms, notices, library rules used in several libraries. The materials are available on loan through the Secretary of the Association upon payment of postage.

FRIDAY MORNING SESSION

July 8, 1955

The Sixth General Session convened at eleven o'clock with Mrs. Gallagher, the President of the Association, presiding.

AMENDMENT OF BY-LAWS

PRESIDENT GALLAGHER: By virtue of the adoption of the motion to reconsider, we now have before us as a special order of business the following

question: Shall Article III, Section 1, of the By-Laws be amended by inserting in the last sentence after the words "The Executive Board," the words "and for the office of President-elect," and striking all of the words following the words, "shall be presented," so that Article III, Section 1, would read:

Not later than October 1 of each year, the President shall appoint a Nominating Committee of five members, no one of whom shall be a member of the Executive Board, to nominate candidates for the elective positions of President-elect, Secretary and Treasurer and membership on the Executive Board. Two candidates for membership on the Executive Board and for the office of President-elect shall be presented.

Is there any discussion?

MR. BITNER: I think perhaps there is something of a statement rather expected of me. There has been so much confusion. I am thoroughly confused right now, and I just want to say there has been a lot of misunderstanding. There are many people who feel that because we are a small organization and know each other so well, that some people wouldn't want to run against each other, and one person of course would have to be the loser.

But the thing that has brought me to this situation at the present time is that I don't think that it is at all fair that one year you nominate two people and the next year only one. I don't know that that is fair to any of the individuals. First there are two people to run against each other, and then there is one person who has to run by himself. He is being singled

out, and perhaps being put in an embarrassing situation.

This definitely does not involve any personality. It was just a matter entirely of principle, and I hope that is clear to every one. If adopted, this proposal could go into effect and would begin to operate with the next Nominating Committee. So it couldn't have anything to do on a personal basis.

I had reached the stage where in the first Executive Board meeting all I wanted to do was to have a definite answer one way or the other. My first motion was that there must be two candidates, and if that was not voted in favor, I had a second motion ready that in that event, there should always be only one candidate for the President-elect. We can't have it both ways.

I personally feel very strongly in favor of two candidates for this office. I think the Association membership ought to determine who its President shall be. I have asked that as a matter of democratic procedure that those appointed to committees, membership on committees, be spread out as far as possible.

I am highly in favor of the proposal by Mr. Piacenza about the size of the Executive Board, and I must point out I am the only Board Member who thinks so.

I think that spreading the work of the membership of this Association will benefit the Association. We will be developing our leaders, and in time to come, you will have other good people ready to take over and help carry on the good work of this Association.

MR. BREUER: Has any Nominating Committee in the past, before select-

ing candidates, ever circularized the membership asking for preferences as to who would you like to see for President-elect?

MR. PIACENZA: Our committee did. The *President's Letter*, asked any one, any member, to suggest names for the President and for the President-elect and for members of the Board. We did receive quite a few suggestions.

PRESIDENT GALLAGHER: It was also in the President's Page in the *Law Library Journal*.

MISS FENNEBERG: Madam President, so many people are concerned about this because they think it isn't democratic. I have the same feeling. I think most Nominating Committees at some time or other question it. That is, the feeling, has the membership had enough to say about it. I wonder if this entire question—if the question were submitted to the membership at large by mail and the membership at large voted that only one candidate be nominated, whether that wouldn't settle the question once and for all because we would know the membership was content to have the one candidate.

PRESIDENT GALLAGHER: The procedure for amending the By-Laws is set out in the By-Laws.

MISS FENNEBERG: You mean it can't be amended any way other than at an annual meeting.

PRESIDENT GALLAGHER: I think not. Mr. Moreland, you and Forrest drew the By-Laws.

MR. MORELAND: That is correct.

MISS FENNEBERG: Even if it didn't amount to an actual amendment, it would at least get an expression of opinion. There are a lot of good mem-

bers who are not here. We have the feeling we want to be democratic, and some feel that nominating one candidate isn't democratic. If an inquiry would show that the majority of members are willing to have the Nominating Committee select one, then I think that question of democracy is out of the picture.

PRESIDENT GALLAGHER: There might be an individual effort to poll the membership on opinion, but unless you amend the By-Laws as to the method of their amendment, they will have to be amended at the annual meeting.

MISS ELIZABETH FINLEY: I think that in Los Angeles when we amended the By-Laws "may" provide for two candidates, the membership felt at that time there should possibly be two candidates, and that was why it was put in. They left it "may" to leave it up to the Nominating Committee, but I think that was the expression of the membership committee that it should not be restricted to one candidate.

MR. MORELAND: Of course, what Elizabeth says is true, that the members present at the Los Angeles meeting decided that, and if we change now, to the compulsory two candidates, that is the expression of the opinion of the members who are now here, who may not be the same as those who were out in California.

Miss Fenneberg would like an expression, or an opportunity for the entire membership to express their opinion. You may recall that without much consultation with me, the *President's Newsletter* will be continued. [Laughter]

Would you be satisfied, Miss Fenne-

berg, if in the first letter or the second letter which goes out, in which I probably will say something about the meeting, I might talk about this particular thing, and ask the membership to reply. Would that satisfy you? Because you can't vote for it in any other way except right here. Now, is that what you would like?

MISS FENNEBERG: My feeling is after all we do have a great many more members than come to this meeting. It isn't the fault of a great many of them that they don't come. They simply can't come, and that is all there is to it, but their dues are paid, and they have the same rights. I think it would be important that we have some idea of what they think. I think it would relieve the fears of some of those who fear that we are not democratic if the majority of replies came in showing that the majority of people were perfectly willing to have just one candidate.

MISS CUSHING: You would postpone any action until the next annual meeting.

MISS FENNEBERG: Yes, that would be my idea, that as far as the present By-Law is concerned, let it stand. Get this expression from the membership at large, and next year there would be a report made to the group that the membership replying by mail had indicated such and such a preference, and it might change the thinking of some of the people that would be present to vote on it.

MR. CYRIL L. McDERMOTT: Madam President, there has been a lot of talk about democracy here and being democratic. I think that all of us are in sympathy with that much abused

term. However, I felt that Harry Bitner's proposal was untimely and a little sudden for solid consideration of the membership as a whole. I have voiced that opinion to many people that I have met. I don't know how we could do it within parliamentary procedure, but I feel that when you amend a By-Law to the Constitution respecting the head executive member of this organization, as Harry put it, in a small, closely knit organization, it should require more than drop-of-the-hat decisions from the floor. Therefore, I would like to move that this motion now pending be postponed until the next meeting. *The motion was seconded and passed.*

MR. DRUMMOND: Madam President, I think in view of the petition that has been circulated and in view of this confusion today, that I would like to move that a committee be appointed to consider revision of the Constitution and By-Laws, and to report to the Executive Board not later than Jan. 1, 1956. *The motion was seconded.*

MR. DRUMMOND: That would then give the Executive Board time to consider the report of this committee, decide whether it wished to recommend a change to the Association, and there would still be time for other petitions to be circulated and signed in order to get them to the secretary for notice thirty days before the next meeting.

MR. MORELAND: I am opposed to Forrest's motion. So is he, but he doesn't know it. When he and I revised the constitution in nineteen-something or other, the suggestion was made that only the Executive Board could propose amendments to the Constitution, and he and I wrote

in the provision that it could be done on the petition of 10 per cent of the membership. Is that correct, Forrest?

MR. DRUMMOND: Yes.

MR. MORELAND: What he has proposed, it seems to me, puts us right back in that other position then of having a constitution revision committee reporting to the Executive Board which can reject the proposal. What we should do is to have the committee revise the constitution and the By-Laws in the light of the discussions that we have had Tuesday and today and report as the ordinary committee would do to the Association in the form of proposed amendments to the Constitution and the By-Laws, by-passing reporting to the Executive Board.

MR. DRUMMOND: Madam President, we will get around to a new motion, I hope. I think the motion should include the provision that the Committee report to the Executive Board and the membership of the Association—to the Executive Board not later than January 1 and to the membership at the earliest opportunity in the *President's Newsletter* or *Law Library Journal* after January 1. *There being no objection, the mover's modification was accepted.*

DR. ELLINGER: What would the report to the Executive Board imply if the Executive Board has no power to reject or accept that recommendation of the committee which should actually report to the membership?

MR. DRUMMOND: It is going to report to the membership.

DR. ELLINGER: There would be two concurring bodies to decide on the report.

MR. DRUMMOND: There are two con-

curring bodies now to amend the constitution, to provide for a ballot on the constitution.

DR. ELLINGER: The membership can overrule any Executive Board.

PRESIDENT GALLAGHER: The procedure is a little more speedy when the Executive Board recommends the amendment.

MR. FIORDALISI: Point of information. May I inquire of the proponents of the motion what effect it would have on the petitions already collected by Mr. Piacenza?

MR. DRUMMOND: I think it would be this. The petition now, if it is sent in any time prior to the stated time in the By-Laws, would come before the membership. I have heard people who signed the petition. They wished that the limitation was five years or something else was different about it, but if that petition goes through, all you can vote is yes or no on that next year. If we have a committee that knows what is in this petition, collects information—and I assume any committee on this would attempt to get a little information from the whole membership—we could then have at this next meeting the discussion on the constitution and a vote on the By-Laws, alternative proposals. If we go only by the petition that has been signed now, you say yes or no to that one, and that is all.

MR. FIORDALISI: And if action on the petition proposals be deferred until after the meeting of the committee, it would still be operating under the Constitution and be before the membership without regard to the report of the committee on the revision of the constitution.

MR. DRUMMOND: That is perfectly proper.

PRESIDENT GALLAGHER: No vote can be taken on those petition proposals until after the next annual meeting. The provisions are that the discussion at the next annual meeting will be printed in the proceedings, and the vote will be taken after the proceedings of the 1956 meeting have been distributed. There is no vote possible on the propositions until that time.

MR. FIORDALISI: This applies to the petition.

MR. DRUMMOND: Anything amending the Constitution. It is discussed at an annual meeting, and then the ballots and the discussion are circulated to the entire membership by mail. That is to answer the question that only those attending a meeting can vote, and which is true on By-Laws, but the Constitution which is a little more difficult to change has full democratic procedure.

MISS CUSHING: Madam President, we should provide some time limit for the Board to let us know whether it rejects or accepts it. The Board might not act until it was too late to do anything by petition.

MR. STERN: I move to amend the motion by striking that portion following the words "and to the membership" and inserting in its place the words "not later than February 1, and that the Executive Board report its recommendations to the membership not later than March 1, 1956." *The amendment was seconded and passed.*

PRESIDENT GALLAGHER: The amendment carries. We now have before us the main motion as amended requiring the appointment of a committee

to study the revision of the Constitution and By-Laws and report to the Executive Board not later than January 1, report to the membership not later than February 1, the Executive Board to report to the membership upon its recommendations not later than March 1.

Is there any discussion on the main motion?

DR. ELLINGER: Madam President, is this an authorization for the committee to propose if it wishes to a comprehensive and total revision of the Constitution and By-Laws, or is it only one to consider the point that came up, the various points that came up, and were discussed during this meeting?

My question is whether the authorization of a committee to revise the Constitution and By-Laws, the form in which the motion reads, means that that committee is authorized to undertake a total comprehensive revision or whether it is the sense of the meeting to limit it to the various points brought up and discussed during this meeting. If that is the case, perhaps the motion should express this limitation. I don't know whether this is contemplated.

MR. DRUMMOND: I purposely did not put a limitation in the motion. Any committee that thinks it just wants to change the whole Constitution again is going to have some job on its hands. I think any committee that is appointed, having heard what has been discussed here, will have in mind those, but certainly there may be some other things that come up. I have thought of two or three that have never been discussed here which I would suggest to the committee. I

don't think we should limit the committee. I am sure no one in his right mind is going to try to do the whole job over again.

MR. POWERS: I think the sense of the motion is fairly clear, but there seems to be some misunderstanding here. It is my understanding that the committee would draft a tentative proposal for the revision of the Constitution and By-Laws. Is that correct, although I don't believe that is explicitly stated in the motion?

MR. DRUMMOND: The motion was to consider the amendment of the Constitution and By-Laws and report to the Executive Board. I would say that would be understood to mean report in any fashion. It could come back and say: We don't think anything should be amended.

MR. POWERS: That is quite true. I understood from the wording the committee should revise the Constitution and By-Laws.

MR. FIORDALISI: In light of Forrest's last statement, the committee might come back and say no revision is necessary, I would assume Mr. Piacenza's petition would remain pretty much in force and would be considered.

MR. DRUMMOND: Automatically in under our present Constitution and By-Laws. They will be in no matter what the committee does.

MRS. LIBBY F. JESSUP: Am I correct in understanding that the motion as it presently reads does not compel the consideration of the matters previously discussed? If that is so, it would seem to me that the motion should be amended so that at least these matters shall be included. I have no objection to the general language, that is, a consideration of the

revision of the Constitution, but I think we should specify that these matters before the Constitution be specifically considered.

I move to amend the motion so that it shall read that the committee shall study the revision of the By-Laws including specifically the subject matter of Mr. Piacenza's petition. *The motion failed for want of a second.*

MR. PIACENZA: I had hoped that we could appoint a committee to study a rehashing of the instructions to the Nominating Committee. The one-candidate system was defeated in Los Angeles by inserting the word "may" so that if the Nominating Committee wanted to, it could nominate more than one name for President-elect, and I am not advocating that we rescind that or change it.

The Nominating Committees have done a pretty good job nominating presidents and presidents have done a good job. I am a little bit concerned about what will happen to this petition that I have circularized. More than 10 per cent of the membership have demonstrated that a change is desirable, or at least, that a change should be put up to the membership for either denial or approval.

This petition does not mean it is in our Constitution. It merely states that the entire membership should have an opportunity to discuss it in Philadelphia, and then after the deliberations have been printed and circularized, you have considered the whole thing in your own office calmly, then the ballots will be sent to you to vote. One of the principal objects of this petition is to limit the term of office of certain of the officers. Now, I know that that is going to be con-

sidered by the proposed committee.

I seemed inclined to agree with Mr. Ellinger that the committee should be given some definite objectives and instructions.

MR. DRUMMOND: He didn't say that. Louis, don't worry about your petition. The committee cannot touch it. It can consider it to incorporate in its own recommendations. It cannot touch it.

MR. PIACENZA: The committee cannot touch my petition. If necessary I will hold it until thirty days before the next meeting.

MR. FIORDALISI: That was the specific inquiry I made in my point of information. The petitions would be as they are. The meeting could do nothing about them. The proposed amendments to the Constitution would be in exactly the form they appear on the petitions.

MR. DRUMMOND: I think this has nothing to do with the motion. I think it would be most unfortunate if you sat on your petition, Louis, until thirty days before because we want the whole thing considered by every one.

I think you should be on the committee.

MR. MORELAND: He will be. He is on it.

PRESIDENT GALLAGHER: We will proceed to a vote on the motion that a committee be appointed to study revision of the Constitution and By-Laws, to report to the Executive Board not later than January 1 and to the membership not later than February 1, the Executive Board to report its recommendations to the membership not later than March 1, 1956. *The motion carried.*

PRESIDENT GALLAGHER: The report of the Committee on Microcards, Carroll Moreland.

MICROCARDS

MR. MORELAND: I have little to add to the report which you have received except to say that at a seven-thirty breakfast meeting the committee completed the selection of the acts for which legislative histories have been prepared and which will go into the current subscription for legislative histories.

I would also like to announce that the record and brief in *Palsgraf vs. Long Island Railroad*, will be available in the near future, and that any one who is interested in obtaining that material on microcards may do so by writing to the Matthew Bender Company.

Two things have come to my attention in the last three weeks. The Microcard Corporation of LaCrosse, Wisconsin, is developing a scanner for microcards which is about the size of a king size package of cigarettes, and I think it will be on the market in six months. I also was informed at the Special Libraries Association meeting that the American Optical Company this fall, with a question mark, is going to have a microcard reader with some kind of a device which will enable you to make an enlargement, a photostat of a page. That has always been an objection to microcards; you cannot reproduce the material. You had to read it in the machine. With microfilm you could make an enlargement, and the American Optical Company will provide us with that kind of machine in the near future.

Mr. Breuer tells me that Microlex is working on the same thing.

PRESIDENT GALLAGHER: Mr. Breuer will present a resolution.

RESOLUTION

MR. BREUER: RESOLVED; That the American Association of Law Libraries hereby commends its Washington Chapter for its cooperation with the Washington Chapter of the Special Libraries Association through Mrs. Huberta Prince as Chairman of the Special Task Force on Qualitative and Quantitative Standards in development of new tentative specifications for Federal Civil Service positions, and it is

FURTHER RESOLVED: That the American Association of Law Libraries hereby specifically commends its Committee on Civil Service Positions which under the chairmanship of Miss Lillian McLaurin and with the entire assistance of various members of the Washington Chapter, particularly Frank Dwyer, Harry Bitner, Lois Moore and Madeleine Losee, has pioneered in developing specific patterns of law librarianship to gain recognition by the United States Civil Service Commission of the highly specialized training techniques and skills in the field of law librarianship.

I move the adoption of the resolution. *The motion was seconded and adopted.*

PRESIDENT GALLAGHER: Dr. Ellinger will report on the progress of Class K at the Library of Congress.

PROGRESS OF CLASS K.

DR. ELLINGER: The progress on Class K at the Library of Congress has

been a case of protracted labor. We are confident, however, that this labor will result in birth rather than miscarriage, and it is going on to be protracted.

Up to now we have issued five working papers, two of them earlier and the last three during the past year. The first two were a rather substantial outline of modern German law as the pilot project, and civil law in general and Roman law. The three original papers were history of German Law, Canon Law, including non-Catholic ecclesiastical law, and a working outline of Chinese law. In addition to that, progress has been made on a basic study of the problems involved in classification of Anglo-American law, and this study is going on. We hope to make progress on it unless other duties assigned to me will be given priority.

You may ask why we proceeded to single out Chinese law and perfect it to a stage in which it actually can be applied to the collection of the Library of Congress. In other words, to assign the notation. The reason, as some of you may know, is that on the mandate of Congress there was established in the law library a Far Eastern Law Section. It was found desirable that the books acquired by the law library for this section and transferred from other parts of the library for the use in the law library be organized in a manner that they can be used not only by persons who know Chinese or Japanese, but also by such persons who do not.

We had the help of two State Department grants which made it possible to analyze the subject content of

Chinese publications and to translate the titles into English so that the classification system could be developed alongside with the actual assigning of class numbers to these books.

The grant, however, expired at the end of this fiscal year, at the end of June. Probably the next priority for the same reason on Class K will be given to Japanese law where 5,000 titles so far have been identified and isolated.

I am sorry I cannot give any precise information on the rate of progress that will take particularly in view of various other duties that from time to time receive priority. We do expect to make progress on it this year and keep our mind on the progress of Anglo-American law to which the law library so far has not requested priority because its use in Anglo-American law has not experienced any difficulties.

MR. JULIUS MARKE: May I ask Dr. Ellinger whether we can expect a classification scheme for Anglo-American law within the next ten years.

DR. ELLINGER: The question was put to me two years ago. At that time I felt compelled to take refuge behind the excuse that I cannot answer on the possibility of self-incrimination. Mr. Keitt at the time bailed me out because he referred to the question about appropriations and the procuring of funds.

I believe, however, that you will have a working paper on Anglo-American law in less than ten years, and one which can be submitted for the discussion of the principles of the classification system. It would be simi-

lar to those issued for other fields before. The actual assignment of classification numbers, in other words, the development of notation, in my mind should be done concurrently and on the basis of the actual classifying of the collections because it has been the weakness of many theoretical classification schemes that notations were developed on a theoretical basis and without relation to natural collection, and all previous classification schemes in the Library of Congress received the notation in direct relationship to the existing and projected holdings of the library.

DR. KURT SCHWERIN: May I ask Dr. Ellinger whether any replies have been received from those librarians to whom the Class K working papers are distributed? I have to confess I did not send the reply and did not send any discussion. I find that it is very difficult to work and study alone these Class K working papers. Wouldn't it be worth while to give to the interested members an opportunity at one of the annual meetings to discuss these problems in a special meeting?

DR. ELLINGER: I certainly have no objection to such a discussion. I would appreciate it, on the contrary. Neither do I have any initiative or thinking in the matter because it is purely a matter for the program committee, and the Executive Board to decide. However, I have certain doubts on whether a worth-while discussion could take place about the entire group of working papers issued with a large group such as this on the spur of the moment if individual members who were sent those working papers

for intensive and individual study haven't found themselves in a position to send in individual criticisms.

We have received criticisms. Not as much as we had hoped. I have received no comment on the working paper No. 3 which was the history of German law, which I wouldn't be too surprised about, because naturally there is little general interest in this phase. It had to be developed because it is important to have a pattern for other jurisdictions and to see how modern law and history can be developed in relation to each other.

We have had exactly two comments on the working papers for canon law, one from a law librarian and one from a scholar. Both of them were very good and well taken. For Chinese law, we couldn't possibly have an answer yet. We expect to have some more on this than others because a classification system always invokes certain comments and criticisms.

We have had criticisms both by law librarians—but very few of them—and by teachers of comparative law on the other working papers. Some of them are very helpful, but the number of them was very small.

MR. LAWRENCE KEITT: I would like to make a statement, if I may, on the Chinese law classification. We are anxious to put that into effect. This is just not something to be talked about and put on the shelf. Two years ago Congress appropriated funds to set up a Far Eastern Law Section in the law library. That section has been set up. Before we can effectively transfer custody of Oriental law books, we have to have a new classification system because the one developed in

Orientalia isn't usable, so we really can't transfer custody until we get this classification for Chinese law adopted. So I hope that whatever commenting there is to be made will be speedily made, and we can at least get that part of Classification K into operation.

We hope to begin soon on Japanese law. We have in the Far Eastern Law Section a Chinese lawyer who is head of the section, and we have a Korean lawyer, former judge in Korea. Both of these men read Japanese, one of them being Korean and one Japanese, and we hope to have these men work with Dr. Ellinger as much as they can be spared from their other duties to develop a classification for Japanese law comparable to the one that has just been developed for Chinese law. I assure you that the development of a classification for Japanese law has a high priority. We won't get the books until we get the classification. We want books over in the law library.

The Chinese classification of Chinese law was initiated in the law library. We have these two men, the former law school dean in China and another Chinese lawyer, who is high in the finance ministry of China, who were available to work on this classification scheme in coordination with the Far Eastern Law Section in the Law Library and the Processing Department made Dr. Ellinger available to work with these men. It looks to me like a pretty good classification as far as informed judgment. So we are making a little progress in classification today.

MR. WILLIAM STERN: I am one of those few people who I believe have

followed the working papers issued by the Library of Congress and who have been quite apprehensive about them. First of all, I think it is correct to say that hardly any of you will ever benefit from them for the reason the classifications are so detailed as not to apply to any library in the United States as far as I can figure except perhaps the Library of Congress. The second is the question of usefulness and advisability of sending observations about the working papers to the Library of Congress.

One of those who originally replied, who does not reply any more, was rather shocked about the treatment he received. The replies apparently are not given very serious consideration, and so I agreed with Mr. Schwerin that the Association should give the matter some attention, so that something workable, not only for the Library of Congress, but also for other libraries, will be worked out. My suggestion would be that the Committee on Cataloging be amended to be one of the Committee on Cataloging and Classification and take up the matters of classification.

I doubt, Mr. Schwerin, that the matter can be presented to the public as such in a useful way at next year's meeting or such an early meeting. Later on it should be. But it is a tremendous project.

We, in our library, know we have the classification in a modified way. We have had quite some experience with it and it works very well. I can see there could be other classification, too, but the matter must be studied most thoroughly, so I, Madam President, move that the Executive Board

consider changing the Committee on Cataloging to the Committee on Cataloging and Classification. *The motion was seconded.*

DR. ELLINGER: I would like to reply to a remark that Mr. Stern made about the detail. Unfortunately, it seems that most readers on the working papers don't bother to read the prefaces and introductions because every single one of them states these working papers are a theoretical outline of the system, and it should by no means be expected the same detail in which they are developed will appear in the final classification.

The reason, of course, is that we cannot foresee which topics have to be accommodated in the classifications since we are not sufficiently familiar with what our collections contain, and consequently, it is much easier to have a detailed classification and eliminate unnecessary detail later than to have loose and broad classification and have to do the thinking over. The details would be inserted if they need insertion.

I am somewhat shocked to hear from Mr. Stern the point that he has heard from some contributing members of the Association, that they had an unsatisfactory reply from the Library of Congress on their suggestions. As a matter of fact, we have taken very little issue of suggestions since no action has been taken at this point on any suggestions. First, the projected working papers will have to be concluded before we go into any revision of previous work done. It doesn't mean that suggestions and criticisms wouldn't be taken into account. They will be taken into account very care-

fully and no individual in the Library of Congress has control over them or can bypass them. I assure Mr. Stern that he can rest perfectly assured that any suggestions will get consideration, not only by one person, but by numerous persons.

As for the suggestion of widening and broadening the scope of the Cataloging Committee, I don't know whether the Chairman of the Cataloging Committee is in the room. If not, I would like to say that the program of the Cataloging Committee is filled to capacity for several years, and I don't believe that the same committee could take on the province of classification for quite some time to come, apart from the fact that it requires somewhat different qualifications. There should be two committees. *Upon a vote the motion carried.*

FRIDAY LUNCHEON SESSION

July 8, 1955

The Closing Luncheon convened at two o'clock in the Gold Coast Room with Mrs. Gallagher, the President of the Association, presiding. President Gallagher introduced the following Past-Presidents of the Association: Miss Lucile Elliott, Mr. Forrest Drummond, Mr. George Johnston, Mr. Arie Poldervaart, Mr. Laurie Riggs, Mrs. Bernita Davies, Mr. Sidney Hill, Mr. William Roalfe, and Mr. Gilson Glasier, each of whom mentioned a memorable incident while in office.

President Gallagher then introduced Dr. Stanley Pargellis, Director of the Newberry Library, speaking on

"More Than a Library." Dr. Pargellis described the history and services of the Newberry Library.

PRESIDENT GALLAGHER: Before we do install the new officers, I should like to thank all of you for the honor bestowed upon me, for the pleasure you have given me, and for the help all have given me during this year. You have had, and you will have, more efficient and more able Presidents. You have had and will have ones who handle your problems in a more statesmanlike manner, and who give you their thanks more magnificently, but you won't have one who enjoyed it as much or who is more grateful. It has been a rewarding experience.

Now, I should like to present to you your new President-elect, Margaret Coonan.

MISS MARGARET COONAN: I had a few minutes of consultation with some of the past Presidents as to whether or not I could encroach on Carroll's time by coming up here and saying just about fifty words to you, and I was assured I could do so. My purpose in doing so is to thank you from the bottom of my heart for the honor you have done me in electing me to be your President in the year to come, and to assure you that I will do everything in my power to live up to the honor that I feel is to be your President of the AALL.

PRESIDENT GALLAGHER: Now your new President, Carroll Moreland.

MR. CARROLL MORELAND: Most associations have an official gavel which is a symbol of the office of presidency. The retiring President in turning over the duties of his office hands the gavel

to his successor. As I said, the American Association of Law Libraries does not have such an object among its assets. However, last year Lucile Elliott turned over the office to Marian with a very nice gesture. All year I have been looking forward to this moment for continuation of what I regarded as a very pleasant practice. *Kissed by President Gallagher. Applause*

In 1954-1955 you have had Marian Gallagher as your President, and I need say nothing about her ability and her accomplishments. In the year 1956-1957 you will have Miss Margaret Coonan. I have no doubt about what she will produce in the way of accomplishment. In the year 1955-1956, you have Carroll C. Moreland, who, I am afraid, may shake the confidence of Harry Bitner in democracy. *Laughter*

The hour is getting late. There is one piece of business, and that is the report of the Resolutions Committee, Miss Iris J. Wildman, Arthur Fiske and Miss Emily M. Ehlinger, Chairman. Miss Ehlinger will present the report of the Committee on Resolutions.

RESOLUTION

MISS EHLINGER: In the words of an old French proverb: "Gratitude is the memory of the heart." According to an old Scotch proverb: "Gratitude preserves auld friendships and begets new."

BE IT RESOLVED that the gratitude of the American Association of Law Libraries be extended to the following individuals and organizations for their efforts in assuring the over-whelming success of the 48th Annual Meeting,

held in Chicago, Illinois, July 5-8, 1955.

Particularly to the Chicago Association of Law Libraries, of which Dorothy Scarborough and William D. Murphy were Co-Chairmen, and to their co-workers whose efficiency, untiring energy and thoughtfulness have made this Convention so successful.

The American Bar Foundation for sponsoring afternoon refreshments, July 6;

Bancroft-Whitney Company for sponsoring the luncheon at the Quadrangle Club, July 6;

Burdette Smith Company for sponsoring the party honoring new members, July 5;

Callaghan and Company for sponsoring the reception, July 5, and for designing and printing the banquet program; Carswell Company for sponsoring the cocktail party, July 7;

Mr. and Mrs. Philip Cohen for a gardenia for each of the ladies the night of the banquet, July 7;

Commerce Clearing House, Inc. for sponsoring the lakefront boat ride, July 6, for mimeographing the officers' and committee reports, and for designing and printing the convention program;

Demco Library Supplies for furnishing supplies for demonstrations, July 8;

Dennis & Co., Inc., for Paper-Mate Pens and memo books;

Gaylord Brothers for furnishing supplies for demonstrations, July 8;

Harrison Company for providing ball point pens;

Lawyers Co-operative Publishing Company for sponsoring the opening luncheon, July 5;

Library Bureau of Remington Rand for furnishing supplies for demonstrations, July 8;

Matthew Bender and Company, Inc. for sponsoring four scholarships;

National Law Library Appraisal Association for providing pencils;

Northwestern University Law School for sponsoring afternoon refreshments, July 5;

Oceana Publications for sponsoring three scholarships for the Law Librarians' Institute;

Mr. H. B. Richardson and Staff of the Drake Hotel for beautiful service and cooperation;

Sweet Adeline Club of Chicago for entertainment at the party honoring new members, July 5;

University of Chicago Law School for sponsoring afternoon refreshments, July 6;

West Publishing Company and their President, Mr. Harvey T. Reid, for their generous contributions;

To all those who enlightened and instructed us, who nourished us and lifted our spirits;

To all those unmentioned and unknown ones whose efforts and contributions have added so materially to the smooth running of the Conven-

tion and to our comfort and pleasure individually and collectively;

To our officers; and board;

To our President, Marian G. Gallagher, whose masterful hand and uplifting wit and humor has guided us through the past year as well as this annual meeting.

To our delightful speaker, Dr. Stanley Pargellis;

We tender our deep and heartfelt thanks to old friends and new for gratitude is truly a memory of the heart.

MISS EHLINGER: I move the adoption of this report and a grateful acknowledgment of the Association to those who have given so generously of their time, efforts, and resources. *The motion was seconded and passed unanimously.*

PRESIDENT MORELAND: This is the beginning of the fiftieth year of the American Association of Law Libraries. I want you to keep that in mind during the next three hundred-and-odd days.

We will meet in Philadelphia on June 25-28, 1956, and until that time, I declare the Association adjourned.

The meeting adjourned at three o'clock.

CURRENT COMMENTS

Compiled by LOIS PETERSON, Assistant Librarian,
Social Law Library, Boston

During the past year, a program known as *Books for the Orient* has gained considerable momentum. A definite incentive for the venture was voiced by Robert G. Simmons, Chief Justice of the Supreme Court of Nebraska, after two extensive tours of Far Eastern legal circles. Chief Justice Simmons saw firsthand that, "Men of the legal profession in those lands are hungry for American law books, particularly those dealing with constitutional law, texts generally, and those dealing with professional work and standards." He further stated: "I am convinced that, in the law libraries of America, there are many duplicate sets of standard texts and replaced editions of texts. These gather dust here. They will be put to use if made available to courts, lawyers, and law schools of these nations."

If your library has not considered sending material, you are urged to participate in extending some understanding of the American way of life to other parts of the world. The United States Information Agency will bear shipping costs from point of origin to a port, and will arrange the overseas transportation. Earl C. Borgeason, librarian of Harvard Law School Library, may be contacted concerning details. Interesting background material was published in vol. 40 of the *American Bar Association Journal* at pages 39 and 652.

The Committee on Cataloging of the American Association of Law Libraries will undertake the compilation of a *list of subject headings for law library materials* from the LC List of Subject Headings. It will aim to aid in subject cataloging and in the development of principles for the construction of legal subject headings and subject subdivisions.

At the Chicago meeting of the Committee on Law Library Journal, the question was raised whether the *Journal* was suited for *advertising job openings and positions wanted*. It was felt that it would be an excellent medium for this purpose in cases where such vacancies or the desire to obtain a new position are of long standing. Thoughts on the subject from members of the AALL will be welcomed by the *Journal* so the amount of interest existing can be determined.

An increase both in the number of lawyers in the United States and in their educational qualifications is shown by the third statistical report on the legal profession prepared for the American Bar Foundation by Martindale-Hubbell, Inc. The survey tabulated 241,514 licensed lawyers in the nation this year as compared with 221,605 in 1952, the date of the second report. Almost 200,000 of the attorneys now practicing attended law schools before passing the bar examination, as

compared with 170,000 in 1952. Over one half of the lawyers in the country (127,389) are in individual private practice, 51,668 are in partnerships and 10,366 are associates. Lawyers in teaching posts or in educational administrative positions number 1,351. Serving in judicial offices are 7,903 lawyers. Approximately 20,000 are in governmental service—federal, state and local. Women attorneys number 5,036, less than 3 percent of the national total. Leading cities with the highest number of lawyers are New York, with 23,539; Chicago, with 12,452 and Washington, with 8,707.

Under the Standards for Accreditation adopted by the ALA Council in 1951, the ALA Board of Education for Librarianship recently accredited programs leading to the *master's degree* at the following library schools: University of California School of Librarianship, Berkeley; University of Kentucky Department of Library Science, Lexington; George Peabody College for Teachers Library School, Nashville. The School of Librarianship of the University of California will also offer programs leading to the degrees of *Doctor of Philosophy and Doctor of Library Science*. The first degree is intended primarily for those interested in teaching and research; the second, for those interested in the technical and administrative aspects of librarianship. This is the first time an opportunity for work on the doctoral level in librarianship has been offered at any institution west of the Mississippi. Universities that have already established such programs are Chicago, Columbia, Illinois and Michigan.

The *Columbia University School of Library Service* has received two gifts

totaling \$2,500 for use in conducting a critical appraisal of the School. Admissions practices, the caliber of its student body, performance of its graduates and the present curriculum will be studied. Donors of the sum were the Alumni Association of the Columbia School of Library Service and the New York State Library School Association. The survey is expected to be conducted during the next year and a half as a routine re-evaluation. Results will be made available to a team of librarians appointed by the American Library Association to aid its program of re-accrediting graduate library schools throughout the country.

An article describing the *physical plant and collection* of the *University of Wisconsin Law Library* appeared in the June 1955 issue of the *Wisconsin Bar Bulletin*. It was written by Professor Richard W. Effland, chairman of the Law Library Committee.

The *Chicago Bar Association Library* has embarked upon a program of *expanding its holdings in the field of government documents* related to research in the history of federal legislation. This project began several years ago with the acquisition of the Carleton Fox Collection of the Revenue Acts which is the most comprehensive in existence. Recently a great many volumes have been obtained from the John Crerar Library as a result of that institution's decision to abandon its depository status with the Government Printing Office. Included in the vast amount of material are: nearly 10,000 volumes of the "Document Serial Set" complete from 1817-1951, a complete run of the *Annals of Congress*, the *Congressional Register*, the *Congressional Globe and Record*, the *Journals*

of the Continental Congress and the *Journal of the Executive Proceedings of the Senate* to 1912. In addition, about 5,000 hearings especially concentrated between 1900-1948, were added, plus several thousand miscellaneous documents "in scope". Reports of committees will be kept current as will those documents that fall into the category of existing library subscriptions. It is also planned to subscribe to microcard services when appropriate and to fill in from other sources whenever possible.

Dedication to Justice, the American Bar Association's 34 minute sound film is available to law libraries and library associations for ten day use to the extent prints are available. The film, whose distinguished "cast" includes nationally known members of the profession, describes services rendered by the organized bar as well as highlights of the Bar Center. Judges and lawyers from various sections of the country are shown in interview-type scenes with Eric Sevareid, chief of the Columbia Broadcasting System radio and television news department, as moderator. Chief Justice Warren appears as the speaker at the dedication of the \$2,000,000 national "headquarters of the bar". There is a short prologue for lawyer audiences by the President of the Association which may be omitted for lay audience exhibitions.

Details concerning handling charges, how to order, etc., should be obtained at least three weeks in advance from: Committee on Public Relations, American Bar Association, 1155 East 60th St., Chicago 37, Ill.

The *Martindale-Hubbell Law Directory* is planning a new section which

will contain a roster of government lawyers at Washington, D. C. It will be arranged alphabetically by departments, supplying standard information with reference to names listed. The Federal Bar Association passed a resolution pledging support in the project and strongly urged government agencies to cooperate. If the listing in Washington proves serviceable, it may be extended to other cities.

Reprints of an article by John Moore entitled *150 Years of Official Law Reporting and the Courts of New York*, which appeared in 6 *Syracuse Law Review*, p. 273, may be obtained free of charge from James Flavin, New York State Law Reporting Bureau, Court of Appeals, Albany, N. Y.

Hints for Preparing a Readable Annual Report, by John Ward, was published in the April, 1955 number of *News Notes of California Libraries*, vol. 50, p. 363. The same issue contained an article entitled *Library Salary Information Services*.

A working bibliography on the "Trial and Defense of Negligence Actions", compiled by the staff of the *Los Angeles County Law Library*, can be found in the May, 1955 issue of *Practical Lawyer* on pages 79-82. It included books, periodical articles and mortality tables.

Ten Years of United Nations Publications 1945 to 1955 lists all publications of the United Nations placed on sale from the beginning of the organization to the end of 1954. It costs 50 cents from Columbia University Press.

The *Library of Congress Exhibit of the Month* for July, 1955 commemorated the 175th anniversary of the

death of Sir William Blackstone. The principal feature of the display was the first volume of the first English edition of his *Commentaries on the Laws of England* (1765-69). Also on exhibit, was the first volume of the first American edition as well as a "Comic Blackstone" illustrated by the famous English cartoonist, George Cruikshank. Two letters were shown, one from Thomas Jefferson to Dr. Thomas Cooper in 1814, ranking the *Commentaries* with the *Institutes of Justinian*; and another from the Reverend Charles Inglis of New York to Sir William Johnson in 1770, in which the writer lamented Blackstone's luring students away from the ministry and into the law. A mezzotint portrait of Blackstone by S. Arlent Edwards from an original oil portrait by Thomas Gainsborough completed the exhibit.

Microprint material of any form or dimension can be read with the *Microskaner*. This pocket size instrument was developed to fill the need for a high power, low cost reader with a fixed focus and sharp definition to render micro-reduction legible anywhere, anytime. Two standard pen-light batteries provide reflected light to facilitate functioning in daylight or under illumination. Microreader Manufacturing and Sales Corporation 2217 N. Summit Ave., Milwaukee 2, Wis., is the manufacturer.

A special stencil sheet for mimeographing post cards, labels and library index cards is available from A. B. Dick Company, 5700 West Touhy Ave., Chicago 31, Ill. The stencil may be used on any conventional mimeograph machine or on an adapted

copier for duplicating catalog cards. One sheet is comprised of four 4 x 8½ inch stencils which can be separated by tearing along perforated lines. Details will be supplied by the manufacturer.

Mr. R. A. Riches has completed 60 years service at the Bar Library, Royal Courts of Justice, Strand, London. He was appointed assistant librarian to his father in 1895 and succeeded him as librarian in 1917. The elder Mr. Riches had occupied the post since the inception of the library in 1884, so for a continuous period of more than 70 years, father and son have been at the helm. Taking into account the period which both were engaged at the library, their activities extend over more than a century.

The *Universal Copyright Convention* went into effect September 16, 1955, three months after the principality of Monaco deposited the twelfth ratification of its terms with the director general of UNESCO. Public Law 743 (approved August 31, 1954), the amendment to the copyright law that implemented the United States' ratification of the treaty, also went into effect on that date; thus bringing into being a new international agreement which had been the goal of authors and publishers for eighty years or more. On and after September 16, works of nationals or works first published in member nations, if they contain the form of notice prescribed, will receive automatic copyright protection without the necessity of legal formalities. If Convention protection is desired, there must be with the copyright symbol and year, the full name of the claimant on all first published

copies. Protection in non-contracting states will continue under existing arrangements.

Two installments of a well footnoted article by Marion James, entitled *The United States and the Movement for Universal Copyright 1945-1952*, were printed in the April and July, 1955 issues of *Library Quarterly*. Shorter summaries on the same subject may be found in the Annual Report of the Librarian of Congress for 1953/54, p. 7-8 and p. 89; 91.

Commencing with volume 100, 83d Congress, 2d session, the *index* to the *Congressional Record* will include a listing of all material appearing in the daily Record and indicate by symbol portions omitted from the bound Record. This carries out a resolution adopted by the Joint Committee on Printing on March 2, 1955. Protests from the American Library Association played a major role in attaining this directive to the Record Index Office requiring notation of deleted material. Earlier resolutions (June 22, 1953 and March 24, 1954) ordered that "all extraneous matter including but not limited to newspaper and magazine articles, editorials, addresses, radio programs, commentators' stories, resolutions from organizations and individuals, letters from constituents, etc., together with Members' remarks preceding same, appearing in the appendix of the daily Congressional Record, shall be omitted from the permanent form of the Congressional Record."

The new Center for Documentation and Communication Research of the School of Library Science, Western Reserve University is planning to hold a

three-day conference on the *Practical Utilization of Recorded Knowledge—Present and Future*, January 16-18, 1956. Among the sponsors of the program are the American Library Association, the John Crerar Library, the New Jersey Law Institute and Special Libraries Association. The program is intended for those concerned with effective management of recorded information. More than thirty experts will discuss problems in processing, dissemination and utilization of the constantly increasing volume of recorded information in numerous fields, including law. Information concerning the Conference can be obtained from the Center, School of Library Science, Western Reserve University, Cleveland 6, Ohio.

Starting in 1956, *annual reports of the various committees and chapters of the AALL* will again be published in the *Law Library Journal*. Each report will be limited to 300 words.

Public Law 246, 84th Congress (approved August 5, 1955) established the *Oliver Wendell Holmes Devise Fund* in the Treasury of the United States. A five member permanent committee, the chairman of which shall be the Librarian of Congress, ex officio, will administer the duties listed in the statute. Principally, they will be to employ one or more scholars to prepare a history of the Supreme Court of the United States, to finance an annual lecture or series of lectures that shall be known as the Oliver Wendell Holmes Lectures and to finance the preparation and publication of a memorial volume of Justice Holmes' writings.

The Golden Jubilee Committee has

announced a prize essay contest on the subject of the American Association of Law Libraries During the Next Fifty Years. The deadline is March 15, 1956. The competition is open to all members of the AALL as of that date, except the officers, Board members,

Golden Jubilee Committee members, and the judges. The judges are Ervin Pollack, Arthur Pulling and Vernon Smith. Maximum length for the essay is 5,000 words. The prize is five hundred dollars. Write to Margaret Coonan for further information.

MEMBERSHIP NEWS

Compiled by FRANCIS B. WATERS, *Librarian*
New York Court of Appeals Library

Mrs. JOY S. BAKER, Southern Methodist University School of Law, is a graduate of State Teachers College, Pittsburg, Kansas, and the School of Librarianship, University of Denver. A former teacher of high school English and Spanish, Mrs. Baker served as senior cataloger at A. & M. College of Texas prior to her association with Southern Methodist University.

JACQUELINE BARTELLS, a graduate of the University of Washington's Schools of Law and Library Service, joined the staff of the Ohio State University College of Law on October 1 as assistant law librarian. Miss Bartells has served as catalog librarian at the University of Washington and, more recently, as law librarian at Stanford University.

Mrs. JOANN R. REIDENBACH has been promoted to the position of catalog librarian at the Ohio State University, College of Law.

Miss LUCILE ELLIOTT, although retired as librarian of the University of North Carolina School of Law, will continue to assist in the building of its collection. Miss Elliott will journey to England on a book buying mission late in April. Afterwards she will go to Godesberg, Germany, to assist in establishing a collection of legal materials to be used by the Research Institute of the Friederich List Society.

NEW MEMBERS

Institutional membership has been entered for the MUNICIPAL COURT LIBRARY, 121 N. La Salle Street, Chicago, Illinois with Mrs. LOUISE H. HAMMOND and MICHAEL J. GAFFRON designated as institutional members.

The following additions and changes have been made in institutional membership designations:

EVERETT J. BERGERON has replaced Robert Dau at the University of Detroit Library, Detroit, Michigan.

RUTH BRISTOL has replaced Mrs. Charlotte Harnesberger at the University of Virginia Law Library, Charlottesville, Virginia.

Mrs. ALICE W. CASWELL has replaced Rose Gagnon at the Watertown Law Library, Watertown, New York.

MARGARET CHAPMAN, University of North Carolina Law Library, Chapel Hill, North Carolina.

VIRGINIA GRAY has replaced Stanley Bougas at the New York University School of Law Library, New York, New York.

NAT L. HARDY has replaced Maury Maverick at the Bexar County Law Library, San Antonio, Texas.

BEATRICE H. HENDERSON has replaced Marjorie E. Wheaton at the New York Court of Appeals Library at Syracuse, New York.

ESTHER KINOSHITA has replaced Helen Jane Jones, JOHN DUDLEY STEPHENSON has replaced William R. Lawtence and ROBERT W. WIENPAHL has replaced Milan Moacanin, all at the Los Angeles County Law Library in Los Angeles, California.

ROBERT A. LYNCH, Temple University Law Library, Philadelphia, Pennsylvania.

DONALD L. MARTIN has replaced Barbara L. Howe at Seton Hall University Law Library, Newark, New Jersey.

JOHN H. MERRYMAN has replaced Jacqueline Bartells and Mrs. IRMA GOLDNER has replaced Basil I. Ross, both at Stanford University Law Library, Stanford, California.

ELIZABETH M. MOYS, Institute of Advanced Legal Studies, University of London, England.

Mrs. VIRGINIA T. OPPENHEIM has replaced Charlotte Holbrook at Tulane University Law Library, New Orleans, La.

GEORGE SKINNER has replaced Pauline Carleton at the University of Oklahoma.

Mrs. MIRIAM B. SNODGRASS, Milwaukee County Law Library, Court House, Milwaukee, Wisconsin.

HELEN E. STEINBINDER has been added, and JOHN H. BOYLES has replaced Joseph F. Gegham at Georgetown University Law Library, Washington, D. C.

JACOB WEXLER has replaced Eugene M. Wypyski at New York County Lawyers Association, New York, New York.

Mrs. MARTHA WHARTON, University of Virginia Law Library, Charlottesville, Virginia.

GERTRUDE WULFEKOETTER has replaced Jacqueline Bartells at the University of Washington Law Library, Seattle, Washington.

The following have joined the Association recently as individual members:

DOROTHY MARY BLAKE, Birmingham University Faculty of Law, Birmingham, England.

EDITH R. CAIRNS, Passaic County Law Library, Court House, Paterson, New Jersey.

JOYE L. CLARK, University of Tulsa School of Law, Tulsa, Oklahoma.

WILLIAM H. CROUCH, Law Library of Congress, Washington, D. C.

VIRGINIA DUNLAP, Lord, Bissell & Brook, Chicago, Illinois.

FRANKLIN P. JONES, Samuel H. Blackman Memorial Library, Bennington, Vermont.

MARJORIE L. KEDDY, The Law Society of British Columbia, Vancouver, British Columbia.

LOIS PETERSON, Social Law Library, Boston, Massachusetts.

T. ELLIS LEWIS, The Squire Law Library, The Old Schools, Cambridge, England.

GEORGE A. SMITH, Ritchfield Oil Corporation Law Library, Los Angeles, California.

SADAO MATSUYAMA, Ministry of Justice Library, Tokyo, Japan.

GORDON C. SWYTER, Spokane County Law Library, Spokane, Washington.

BOOK REVIEWS

Index Translationum, Repertoire International des Traductions, International Bibliography of Translations. Paris: International Institute of Intellectual Cooperation, 1932-40, nos. 1-31; n.s. vol. 1, 1948-. Paris: UNESCO, 1949-. Price varies from \$30 to \$10.00 depending on size of volume.

"One of the principal pleasures of librarianship is the mutual appreciation of the virtues of good bibliographies." The bibliographical work which is the subject of this review has all the virtues of a good bibliography: "It is consistent in its purpose and treatment, the details are given in the same order and form throughout—which facilitates easy reference—and the contents and arrangement are based on an idea which is a real contribution to knowledge."¹

As its title implies, the *Index Translationum* lists all works translated from one language into another which have been reported to the central bibliographical office in Paris. Its very existence and contents depend on the cooperation of all those interested in spreading knowledge of the translated publications of one country to the whole world so that everybody may share the literal and technical deposits of human thought expressed in writing. The *Index* was devised as a means of bringing the scholars of the world

closer together and as a stimulus for more translations. This task was begun in 1932 by the International Institute of Intellectual Cooperation in Paris which served as a contact between the various existing national bibliographical centers. The first series of the *Index Translationum* consists of thirty-one quarterly issues which appeared from 1932-1940. The first issue contained contributions from six countries; the last issue from fourteen countries.

The Constitution of UNESCO, Art. I, clause 2 (c), contains the following provision: . . . "the Organization shall maintain, increase and diffuse knowledge . . . by encouraging cooperation among the nations in all branches of intellectual activity, including . . . the exchange of publications . . . and other materials of information, by initiating methods of international cooperation calculated to give the peoples of all countries access to the printed and published materials produced by any of them." Information on the various stages of the development of bibliographical services by UNESCO is described in a survey report prepared by the Library of Congress for UNESCO, entitled *Bibliographical services, their present state and possibilities of improvement with an Appendix volume, Notes on the development of the concept of current complete national bibliography*, by Kathrine Oliver Murra, Washington, D. C., 1950. This survey was prepared

1. COLLISON, BIBLIOGRAPHIES, SUBJECT AND NATIONAL 1, 3 (1951).

as a working paper for an international conference on bibliography. As a steering group for the further development of bibliographical services, UNESCO created an International Advisory Committee on Bibliography which held its first session in Paris in 1953 under the presidency of Verner W. Clapp. The report of this Committee published in English and French as Document UNESCO/CUA/53 may be briefly summarized as follows: The Committee felt that its projects should be of an international and general scope, aimed at the establishment of coordinated and continuing programs and not duplicating work done by others. The priority order established was (1) bibliographical techniques, (2) standardization, (3) regional projects. Under the sponsorship of the International Advisory Committee several manuals were published: Knud Larsen's *National bibliographical services, their creation and operation* (1953), Anthony Thompson's *Vocabularium bibliothecarii, English, French and German* (1953), *Guide des centres nationaux d'information bibliographique* in French and L. N. Malclès' *Bibliographical services throughout the world* (1951-52).

This then is the background and present status of world bibliography. The continuation of the *Index Translationum* was resumed by UNESCO at an early stage. Volume one of the new series contained translations from twenty-six countries reported for the year 1948 and appeared in 1949. The *Index* has been published regularly every year since that time. The latest volume, six, published in 1954, lists

contributions from forty-seven countries. The contributors are National Commissions, libraries and other bibliographical organizations whose contributions are recognized under each country's bibliography in each volume. The American bibliography is prepared under the supervision of the Director of Libraries, University of Kentucky, and is forwarded to UNESCO by the U. S. National Commission for UNESCO; the German bibliography is presented with the assistance of the German National Commission for UNESCO; the Russian is compiled from translations listed in "Kniznaja Letopis." The Bibliothèque Nationale of Paris, the British Museum of London, the National Diet Library in Tokyo and the Dirección General de Archivos y Bibliotecas in Madrid furnish bibliographies for their countries, while the Italian bibliography originates from Centro Nazionale di Informazioni Bibliografiche, Rome.

The organization of the bibliographies within each volume is clear and simple. The main division is by countries which are listed alphabetically according to the French name. For those unfamiliar with these names, there is a table of contents in which the English name is included. Under each country the bibliographies are listed under the ten subject divisions of the Universal Decimal classification. Law is grouped together with social sciences and education in Division Three. Within each division the bibliographies are arranged alphabetically by author, or title in those cases where the title is the main entry. Each individual entry is given a serial num-

ber and these numbers run consecutively through each volume.

The preface explains the composition of each volume, a separate section explains the classification by subjects and the bibliographical references for the entries; a table of languages with abbreviations as used in the references precedes the bibliographies. At the end of each volume is an author index; translators and publishers are listed in two separate indices which are arranged by countries. A statistical table concludes each volume. This table shows the name of the countries, the total number of translations reported by each and all, and the distribution by subject classification. Volume five contains over 16,000 titles; volume six over 18,000 entries.

The bibliographical information consists of author, title of translation, original title, translator, publisher, place, date, paging, price and original language. The completeness of this information depends on the quality of information received from the contributing countries. UNESCO attempts to furnish missing data provided it can be obtained easily without too much time-consuming research. Each volume contains a plea for better and more complete information. It may be picayunish to mention that a few typographical errors were found. It is surprising that not more were discovered in a list of such magnitude. The organization is so efficient and clear that it cannot be praised enough.

The lawyer and law librarian is interested in translations of legal works. Since "the study of comparative law has emerged from the era of academic

luxury into the arena of practical necessity",² a rather extensive survey of the translations of legal texts included in the first six volumes of the new series may be useful. Far and Near East and Eastern Europe are represented only with translations from or into West European languages. Perhaps somebody familiar with these languages will complete the survey on translations from these areas.

In the first six volumes, thirty-three countries have reported about 360 translations of legal works. Of these thirty-three countries, fifteen have produced eight and more translations each, nine between two and four, and nine, one each. The countries with the highest number of translations were Germany (67) and Spain (40), followed by Argentina (26), Japan (25), France and the United States of America (23 each), United Kingdom (21), Italy (20), Russia (14), Turkey and Yugoslavia (13 each), Switzerland (12), Belgium (11) and Mexico (9).

Subject wise the most translations were made in the field of international law (64), followed by public law (59), philosophy (52), commercial law (40), civil law (31), Roman law (17), civil procedure (13), canon law (6) and comparative law (3).

In analyzing the titles it was observed that in a bilingual country like Belgium, texts which appeared originally in both languages, Flemish and French, were listed as translations. The same translation published in England and in the United States was

2. Schwenk, *Highlights of a comparative study of the common and civil law systems*, 33 N. C. L. REV. 382, 398 (1955).

listed twice; an example is the Theodosian Code. A number of translations of a single title translated into several languages was discovered. Some of the authors whose works were translated into several languages are Vecchio, Lilienthal, Jhering, Kelsen, Radbruch. It was noted that a number of recent Italian texts were translated into Spanish, either in Spain or in Latin American countries, but not into English. The leading German text on civil law by Enneccerus was translated into Spanish and Russian, but not into English. A work by Pothier was translated from French into English in South Africa, but leading French authors are missing from the bibliographies of the United States and Great Britain.

It may be that information on the legal systems of other countries is available in forms other than translations or that the demand has not yet been strong enough to justify expenditures for more translations. If we do want to understand the legal systems of other nations, we have to be able either to read their laws in their original language or to read them in good translations. It may be that actually more unpublished, or published but not reported, material is in existence. If so, it should then be listed.

One of the purposes of the *Index Translationum* is "to create an impulse for further exchanges in the future." This report on the *Index* is therefore concluded with an appeal to the legal profession to support the work of UNESCO by providing the means for closer cooperation between the United States and other countries of the world so that we and they may

understand the legal systems under which we are organized and live.

KATE WALLACH

Louisiana State University
Law Library

The Spanish Archives of the General Land Office of Texas, by Virginia H. Taylor. Austin: The Lone Star Press, 1955. Pp. viii, 258. \$20.00.

With the change of sovereignty resulting from the independence of Texas there was an immediate necessity for the new government to establish an office where the widely-dispersed records of land grants previously made by Spain and Mexico could be collected and recorded. The magnitude and importance of this task is apparent from the fact that an estimated 5,000 titles to Texas land had been issued by Spain and Mexico and that title to more than twenty-six million acres of land in Texas is based upon Spanish and Mexican grants.

Under the Spanish and Mexican systems of issuing land titles it was customary for the original grant to be retained by the government or its designated agents or authorities, the settlor receiving only a copy as evidence of his title. Because of the various changes in sovereignty and in laws, and the diversity of jurisdictional control over different portions of Texas from time to time, some of these original grants were archived at various places in Mexico, and even those physically located within the boundaries of the newly-formed Republic were widely scattered and under the control of different individuals.

By the Act of December 22, 1836, the First Congress of the Republic of

Texas provided for the establishment of a Land Office and directed the commissioner to take charge of all records, books and papers in any way appertaining to the lands of the republic, and that might then be in the care or possession of all empresarios, political chiefs, alcaldes, commissarios or commissioners for issuing land titles, or any other person. All of these documents relating to titles issued by Spain and Mexico were written in the Spanish language, and the records so collected by the first commissioner and his successors in office are known as the Spanish Archives of the General Land Office.

This valuable book is a study of the 69 volumes of records comprising the Spanish Archives. As stated by the author in her Preface, her study is "an attempt to present a concise descriptive and chronological narrative which will serve as a composite picture for those who are interested in both the history and content of these archives." In this attempt she has succeeded admirably. The textual material consists of only 141 pages. The Appendix consists of 107 pages in which have been listed in alphabetical order the name, date, title, amount and present location of grants by Spain and Mexico to some 4,200 original grantees. As explained by the author, the Spanish Archives do not constitute a complete collection of all original grants made by Spain and Mexico even as to lands lying north and east of the Nueces river. They are practically barren of original grants to lands lying in the territory between the Nueces and Rio Grande rivers which did not come within the jurisdiction of Texas until

after the Treaty of Guadalupe Hidalgo in 1848. Despite their incompleteness, the archives are extremely important today as the primary basis of claims of title to millions of acres of Texas land.

The author has recognized the necessity for a historical approach to any understanding of the content of the Spanish Archives. The book is not a translation of the archives; it is a historical study of their content. The content is merely summarized or adverted to by appropriate footnote references to the volume and page where particular documents may be found.

While this book was written by a historian primarily for use by persons interested in the historical basis and significance of the documents to be found in the Spanish Archives, it should be a valuable aid to lawyers concerned with the legal title to lands in Texas which were titled out of the sovereign during the Spanish and Mexican regimes.

A. W. WALKER, JR.

Dallas, Texas

The Criminal Code of Japan, translated by Thomas L. Blakemore. Second Edition. Rutland, Vt. and Tokyo, Japan, Charles E. Tuttle Co., 1955. Pp. ix, 192. \$3.50.

One of the joys of the law librarian's lot (in the eyes of the reviewer—a non-law librarian) is the opportunity to dip into the heterogeneity of law books that come across his desk. While case reports, statutes, and even new volumes of treatises, may be shelved with dispatch, an occasional esoteric work catches his eye, and forces him

to abandon his perfunctory library chores for the sake of a little legal entertainment.

Such a book is Mr. Blakemore's highly readable translation of *The Criminal Code of Japan*. The chances are that the librarian will look at the outside cover (handsomely bound and jacketed), and wonder how Japanese criminal law differs from his own. Upon scanning, he decides that it probably isn't too different; and when he begins to read the Code, most of what he finds is familiar; but there is, in addition, much of unusual interest, so that he concludes that the book was well worth the library's investment of \$3.50.

The translator, Mr. Thomas L. Blakemore, received his law degree from the University of Oklahoma in 1938. After doing graduate work at the University of Cambridge, he studied the Japanese language and Japanese law at Tokyo Imperial University. After World War II, he joined the staff of the Government Section of SCAP, and participated in the drafting of model legislation (including amendments to the Criminal Code) which became the basis for the post-war legislative reforms of the Diet under the new Constitution. After leaving the Government in 1949, Mr. Blakemore passed both the written and oral Japanese bar examinations, and became the first Westerner to be admitted to practice before the courts of Japan. He is now engaged in private practice in Tokyo.

The criminal law of old Japan was codified about 1730, in the Edict of One Hundred Articles. In this code, punishments were prescribed for such

crimes as (1) forgery, (2) harboring runaway servants, (3) abandonment of infants, (4) adultery, (5) gambling, thimblerrigging, and the holding of lotteries, (6) theft, (7) receiving or buying stolen goods, (8) kidnapping, (9) blackmail and extortion, (10) false coinage, (11) arson, and (12) killing and wounding. While these were all capital crimes, the administration of the punishment of death varied with the seriousness of the crime. A minor offense, or a case with extenuating circumstances, might rate a simple decapitation. For a graver wrong, the condemned person's head might be exposed in public, after decapitation. Still more severe were crucifixion, burning at the stake, and the "pulling of the saw". In the last, the "criminal was led around through the streets for a whole day, then a sword-cut was made on each of his shoulders; the blood therefrom was smeared on two bamboo saws, which were placed on either side of him on the pillory. In this plight, the criminal was exposed for two days, and any one [might] insert a saw in the wound and saw as much as he liked."¹ After being so exposed, he was crucified.

Actually, the criminal law of the Tokugawa Shogunate (1603—1868) was not nearly as severe as would appear from the law books. The local magistrate was given a large amount of discretion in meting out punishment, with the result that the administration of the law varied from one province to another. The circumstances under which he would exercise his discretion were kept secret, on the

1. Hall, *Japanese Feudal Laws*, 41 Transactions of the Asiatic Society of Japan 683, 804 (1913).

Confucian theory that the ruler would act in the best interests of the ruled, and the latter therefore did not need to know all the details of the law.

After the Restoration, the Meiji Government (1868—1912) sought to get rid of the doctrine of extraterritoriality which some of the Western nations, including the United States, had exacted from Japan by treaty. A new Criminal Code, along Western lines, it was believed, would remove the argument that Japanese Criminal Law was not suited for Westerners. Accordingly, the Japanese Government invited the famous French legal scholar, Boissonade, to direct a complete revision of the Code. Such a Code was completed and took effect on January 1, 1882. But its complicated provisions, with three classes of wrongs (felonies, misdemeanors, and police offenses) ultimately led the Japanese in 1908, to replace it with the present Criminal Code. At the same time, the Ministry of Home Affairs promulgated its "Public Offenses Ordinance", for purposes of controlling minor offenses.

The new Code abolished the distinction between the three classes of wrongs, and spoke only of "crimes". Except for some wartime measures (e.g., making the spreading of rumors a crime), the substantive criminal law of Japan remained unchanged until the Occupation sought to insert its reforms. Special provisions with respect to crimes against the Imperial House, or against foreign diplomatic representatives, were deleted. Crimes relating to war were abolished. In the interest of freedom of expression, the crime directed at rumor-spreading was

eliminated. For the same reason, truth was made a defense in criminal libel under certain circumstances.² Provisions for the application of the Code to aliens who committed crimes against the Japanese people outside the Empire, were deleted.

In matters of sex and the family, the Occupation was unable to uproot centuries of tradition in the name of "equality before the law." Under the old Code, only wives and their paramours were punishable for adultery. With the abolition of the double standard for men and women, it was urged that husbands and mistresses should likewise be prosecuted, but the reluctance of the Japanese to change their centuries-old customs led to the happy solution of abolishing the crime of adultery altogether.³

Again, the old Code required that the punishment for larceny be cancelled where the wrongdoer and the person wronged were members of the same "house", often including distant relatives. On this point, a compromise was reached by narrowing the number of family relationships to which this doctrine applies.⁴ Similarly, the old Code required the remission of punishment in the case of a person who harbored a member of his family who was a criminal, or who falsified evidence for the sake of such a person. The Occupation succeeded in making such remission of punishment discretionary, rather than mandatory.⁵ In keeping with the Japanese tradition

2. Art. 230-2 (citations are to Blakemore, here reviewed).

3. See American Law Institute, 1955 Program, where a similar result has been proposed in the drafting of the Model Penal Code.

4. Art. 244.

5. Art. 105.

of respect for one's elders, the old Code also provided for a more severe punishment for one who killed one of his or his spouse's lineal ascendants. The attempt of the Occupation to have this provision deleted failed, and it has been carried over into the new Code.⁶

The new Code also adopted several new technical provisions designed to (1) increase penalties in some instances,⁷ (2) restore civil rights to prisoners upon expiration of their sentences,⁸ and (3) provide for a greater discretion in suspending sentences.⁹

All of these post-war changes appear in Mr. Blakemore's fine translation of the Code as amended up through 1954. He has also inserted the text of the "Minor Offenses Law" which was enacted to replace the earlier Ordinance of the Ministry of Home Affairs.¹⁰ Citations to other Japanese laws in the criminal law field are included,¹¹ as well as an Index to the Code.¹² The footnotes are a combination of cross-references, translator's notes, and explanations of various Articles; all are extremely useful. So, too, are the headnotes, inserted at the beginning of each section of the English translation. These headnotes, which do not appear in the official Japanese text, tell the reader the subject matter of a particular Article at a glance. The official Japanese text appears on opposite pages

from the translation, so that the bilingual reader may readily compare the original with the English translation.

The Code would have perhaps been more useful to Western readers—especially those outside Japan—if some introductory material had been included, so that one might better appreciate the context in which it was written; but in all events, the student of comparative law, the westerner in Japan, and, indeed, the average lawyer, will find, like the law librarian, that this little book makes for some remarkably interesting reading.

HAROLD G. WREN

University of Oklahoma
College of Law

Supreme Court Practice, by Robert L. Stern and Eugene Gressman.
Washington: Bureau of National Affairs. Second edition, 1954. Pp. 585. \$10.50.

In disturbing numbers books are piling off the presses about how to do this and that.¹ Very often, I find, they demonstrate how *not* to write a book even more clearly than how to breed newts, cook ragwort, or gild lilies, as the case may be. A good book of this nature is, of course, a joy to read, and, if the subject be worthwhile, stands as a major accomplishment. For instance, the work under review.

Supreme Court Practice, by Stern and Gressman, is a how-to-do-it book, and not to be despised for that. On the contrary. The motive and focus of the book is helpfulness to lawyers. Be-

6. Art. 200.

7. Arts. 174, 175, 193, 195, 208, and 222. A separate statute increased all fines fifty times, because of the post-war inflation. Law No. 251 of 1948, effective February 1, 1949.

8. Art. 34-2.

9. Arts. 25-27.

10. Blakemore, pp. 166-77.

11. *Id.*, pp. 178-9.

12. *Id.*, pp. 180-92.

1. See Macdonald, "Howtoism", *The New Yorker*, May 22, 1954, p. 92.

cause they held to this purpose, the authors have managed to make a most ingratiating book. More important, they have made it comprehensive, lucid, and thoughtful. A truly useful book, as this one is, must have these qualities at least.

The first edition, of 1950, was widely praised for such merits. There was also the usual sniping by reviewers at minor flaws. The second edition preserves the merits and eliminates *some* of the flaws. The authors took Paul Freund's comments, for instance, not only to heart, but right into the text of the book.² On the other hand, as one reviewer has observed, "apparently they still think that the Arkansas River forms the boundary between Kansas and Colorado, and that *Oklahoma v. Texas* is a suit by the United States against a state to determine the boundary of a territory."³

But the occasion for the second edition was not criticism of the first. It was the extensive revision, in 1954, of the Rules of the Supreme Court. In a final chapter these rules are printed in full, along with a generous selection of other rules and statutes. Naturally the rule changes required considerable revision of the text. A comparison of the old and new Chapters V and VI: "Procedure in Connection with Petitions for Certiorari," and "Procedure on Appeals"—points up the gain in simplicity that the revised rules represent. The earlier edition suggested the need for streamlining

appeals papers in particular, and the present one shows how fully the new rules vindicate this criticism. The authors have good reason for self-gratulation (Mr. Stern was an official consultant to the committee of justices responsible for the revision), although they are still not satisfied on all points. (pp. 233, 241, 256)

Mr. Frederick Wiener, reporter for the committee, has analysed in print the reforms accomplished by the new rules.⁴ That is not the function of this book; rather, it explains how to work them. Their success depends in part on their being understood by the bar, and to that extent the book will effectively promote their aims. It cannot help lawyers without helping the Court as well. The justices evidently recognized this. The emphasis in Rule 23 on conciseness and brevity in petitions for certiorari is increased by Stern and Gressman, who say, "THE MOST IMPORTANT THING TO REMEMBER IS TO KEEP THE PETITION SHORT." Their footnote: "This sentence is put in capital letters at the suggestion of several Justices of the Supreme Court." (p. 204)

If certain chapters can be singled out from others for praise, I think they are the following: Chapter I, "Introduction to the Supreme Court," with its charming candor (The Supreme Court Building is located in Washington, D. C. . . .) (p. 5); Chapter IV, "How the Certiorari Jurisdiction is Exercised," with its heroic effort to explain why the Court grants or denies the writ when it does (the

2. See p. 269, quoting Freund, Book Review, 3 J. LEGAL ED. 643, 644, n. 2 (1951).

3. Merrill, Book Review, 8 OKLA. L. REV. 129 (1955).

4. Wiener, *The Supreme Court's New Rules*, 61 HARV. L. REV. 20 (1954).

authors call this "somewhat temeritous") (p. 108); Chapter X, "The Briefs," with its paternal advice ("it is much better for the Court to question your citation than your integrity") (p. 310); and Chapter XI, "Oral Argument," with its folksy wisdom ("no salesman ever persuaded a customer by irritating him"). (p. 342) And of course Chapter XVI, with its full set of forms and illustrative papers.

The major chapters that have not been mentioned so far cover the Court's jurisdiction, original and appellate, and certain other matters (such as motions, and the extraordinary writs) which round out the picture. These sections are densely written, and full of sound information, but they skate over some of the "nice" questions. Such a delicate problem as *Flournoy v. Wiener*⁵ presents, for instance, in the appealability of state court decisions, could not well be probed in the compass of this book. It cites the case for the bland proposition that "To be appealable, the state court decision must hold the treaty or statute invalid in whole or in part as applied to the particular circumstances of the case." (p. 55) This is to say, that in the matter of *jurisdiction*, when that issue is crucial, a lawyer will have to look further than this work pretends to go. The chapters on that subject, though good in their way, are in the nature of summaries.

The more definitive chapters are those on how to conduct a case into the Court, and how to conduct oneself there. A reader knows at once that he is in the hands of experts, writing with sympathy and clarity, who want

to spread abroad their knowledge. This is "how-toism" at its best.

WILLIAM F. YOUNG, JR.

University of Texas
School of Law

The Holmes Reader, by Julius J. Marke. New York: Oceana Publications, 1955. Pp. v, 282. Cloth, \$6.00, Paper, \$1.00.

Here, at last, is a book at once as new and refreshing as it is significant. It cannot but have a revolutionary impact on that otherwise dull and ponderous, eclectic and sectarian enterprise, law book publishing, where, until now, one has always suspected that popularization has been equated with vulgarization. This reviewer hails the advent of the first of the *Docket Books*—*The Holmes Reader*. What is it? First a finely bound, widemargined edition for the connoisseur (in this case the law librarian) with all other quality features at the price of popular fiction. As if this were not a sufficient demonstration of the revolution, there is the student edition in soft cover for the ridiculously low price of one dollar. This latter will carry the best of one of our most exemplary judicial figures to the public.

It is a book that should be seen in the hands of the practitioner on his commuter train; should be made required (if such drastic measures could be taken) reading for all beginning law students. It should go into the hands, along with the volumes which are promised to follow, of all college students in fields which might lead them to careers in the law. And finally it might be hoped that the bar and all of our other professional associations

5. 321 U. S. 253 (1944).

see that it goes, literally by the ton, to all corners of the world where our civilization and its values are not understood or are misunderstood through malice or ignorance. No finer emissary, in the legal field, has yet appeared to bring to that world that knowledge on which true friendship can be based.

A look inside the covers will demonstrate the justification of such an introduction. Herein that eminent librarian and scholarly annotator, Julius Marke, has given us an excellent body of writings divided fittingly into three parts, those by others about the life of Justice Holmes,¹ those of the Justice himself about our land and our professions and their interrelationships,² and finally those dealing with the impact of his judicial opinions and writings on our national life.³ All is tied together with a fine appendix of epigrams and other notable quotations. If one considers the amplitude of bibliography on this particular figure, the excellence of the selection is even more noteworthy.

Two comments on this volume could be made, not in the spirit of criticism, but rather to point up the task of future editors of volumes in this series. The very power of the personality of the individual being edited may

have given such impress to the views of his biographers and commentators that their observations tend toward repetitiousness. So also may be their selection of key bits of philosophy. It is not expected that one will attempt to digest an entire "reader" at a sitting (as this reviewer did). The "reader" should be a shelf book always at hand for dipping into and browsing. An even more meticulous selection of the pieces will heighten these pleasures.

The second comment, as well as the first, is in the nature of a "do". If one of the greatest contributions of this series will be, as is believed, to bring law and legal figures into the popular orbit from which for too long they have been foreclosed by price, inaccessibility of material, format and fear of the overspecialized, then all advantage must be taken of any popular writings which would have already blazed a trail to that popular taste and consciousness. From the standpoint of our professional public relations, inclusion of the best from "popular" literature may inspire other fine writers (on non-legal subjects) to come into our vineyard. In the Holmes area there is an example. *Yankee from Olympus* by Catherine Bowen was a very well-written, sympathetic treatment of both Holmes and our professions. It would not have been amiss to pay tribute to both work and trend by including a short passage in the Reader.

As it stands *Docket Book 1, The Holmes Reader*, marks a milestone in law book publishing. It will be imitated; it is hoped so much so that, within the near future, our great legal figures may shoulder a few of the

1. Entitled "Part I, Life and Work of Mr. Justice Holmes," pp. 1-58. Particularly notable is Justice Cardozo's article at 39.

2. Entitled "Part II, Speeches and Writings of Mr. Justice Holmes," pp. 59-160 and Part III, Letters, pp. 161-172 from the Holmes-Pollock collection. Part II contains such classics as *The Path of the Law*, *Law and the Court*, and the always stirring, *The Soldier's Faith*.

3. Parts IV and V consisting of "Court Decisions and the Impact of Holmes." The former is Mr. Justice Frankfurter's always valuable and highly readable review of Holmes' work at his silver anniversary on the Supreme Court.

putrescent novels from the racks of "paper backs". Our professions have the greatest stake in raising the level of mass understanding of the goals of the law. We have the most difficult subject matter of any of the great liberal professions to present to the people and up to this moment have done the least in the battle for the survival of the values vital to our

civilization. This volume, properly used, can be the first small earnest in that struggle which we hope will result in the great triumph of government of laws in this world of ever more powerful governments of men.

DAVID S. STERN

University of Miami
School of Law

BOOK NOTES

The Ordinance of William the Conqueror (1072)—Its Implications in the Modern Law of Succession, by Alison Reppy. New York: Oceana Publications, 1955. Pp. 122.

Six years after the Battle of Hastings, the Conqueror promulgated the historic Ordinance which separated the secular from the ecclesiastical courts and reserved for the jurisdiction of the latter "any cause for the government of souls". Dean Reppy's object, in writing the interesting little book now before us, is to evaluate the Ordinance's importance in the long history of the differentiation of land and chattels in English and American law, with special emphasis on the law of succession. The history of the jurisdiction of the spiritual courts over testamentary matters and the distribution of the goods of an intestate decedent is a long and interesting one. Blackstone tells us that it was peculiar to England. The remarkable thing is that it continued to exist until 1857. Its importance in the development of English law is familiar to the beginner in the study of legal history. Dean Reppy gives us a valuable summing up of the differentiation between the "will" of land and the "testament" of chattel property, with their divergent requirements as to form of execution and differences with respect to method of probate. He reviews for us the two systems of intestate succession,—the descent of land under the rules of the common law courts and the distribution of chattel property in accordance with rules of the common law courts and the distribution of chattel property in accordance with rules derived from the Roman and canon law. The importation of these dual systems into the Ameri-

can colonies and their perseverance until relatively recent times, with special reference to the history of the subject in the state of New York, occupy the concluding sections of the book. To suggest that Dean Reppy may have overstressed the importance of the Ordinance of 1072 as a determinative historical factor is not to detract from the interest of the events chronicled or the value of the book he has given us.

EDWARD WELDON BAILEY

University of Texas
School of Law

A Commoner's Judge, by Harold E. Hammond. Boston: The Christopher Publishing House, 1954. Pp. 456. \$5.00.

As indicated by its subtitle, *The Life and Times of Charles P. Daly*, this book is a biography of one of New York's more famous judges. Charles P. Daly was a judge of the Court of Common Pleas of New York City from 1844 to 1885, a period of forty-one years, and he was its chief judge for the last twenty-seven years of this time. In addition to being a judge Charles P. Daly was active in civic affairs, and his interests were cosmopolitan. In this volume emphasis is placed on Daly's social and civic activities rather than on his activities as a judge. Too much space is devoted to a thorough, and tedious, account of the dinners which Judge Daly attended and a statement of where he sat in relation to the other guests. However, several of the cases which he heard are discussed.

The book contains an interesting and exhaustive account of the Astor Place Riots, which occurred on May 10, 1849. The discus-

sion includes the events which fomented the riot, the legal issues involved, the trial and Judge Daly's charge to the jury. This case illustrates Daly's sound understanding of legal principles, and his ability as a judge. Although the trial lasted only fifteen days, he needed the patience of a Medina. Also, two international incidents which occurred during the Civil War, the capture of the crew of a Confederate privateer and the seizure of the Confederate agents Mason and Slidell, are discussed because the Judge's knowledge of international law helped formulate the policy which was adopted by the federal government.

In addition to being a profound legal scholar, Judge Daly was interested in history, music, literature and art. Also, geography held a special interest for him. For thirty-five years he was president of the American Geographical Society. He gave many talks on the subject, and he assisted explorers in planning their trips, usually to Africa or to the Arctic. The discussion of these trips constitutes one of the more interesting parts of this book.

GEORGE B. FRASER

University of Oklahoma
College of Law

Technical Services in Libraries: Acquisitions, Cataloging, Classification, Binding, Photographic Reproduction, and Circulation Operations, by Maurice F. Tauber and Associates. New York: Columbia University Press, 1954. Pp. xvi, 487. \$6.50. (Columbia University Studies in Library Service, No. 7)

A wealth of information concerning some of the oldest areas of library work is collected into one volume by Dr. Tauber and his associates of the School of Library Service, Columbia University, people who have had extensive experience in the field of library technical services and the opportunity to develop this background in connection with teaching functions.

An attempt is made to treat the subject as related to all types of libraries although the preface points out that many problems discussed are related principally to the research library and that many problems existing in special libraries are not fully covered. Theory, descriptive matter, and historical data are interspersed when pertinent to a topic. Such practical and timely aspects as reclassification, conservation of library materials and the use of machines are discussed under each of the services. The distinction is made throughout between operations which can be carried on

satisfactorily by professional help and those by non-professional help.

An introductory chapter acquaints the reader with the meaning of terms used in the book, with the criticism levied against the services and with reasons for a revived interest in these areas of library work. Professional associations are listed which not only enable personnel to keep abreast with developments in library service but which frequently can be of assistance to them in the solution of their problems.

The remaining chapters are apportioned to the functions, the administrative organization, the personnel, and the operations of each of the technical services: acquisitions, cataloging, classification, binding, photographic reproduction and circulation.

The inclusion of circulation operations is surprising. Apparently the authors deem it necessary to justify this inclusion since they state in the introduction "that certain operations which are usually carried on away from the public desks are likely to be more susceptible to codification than those of the readers' departments" and are thus considered "technical." Recently librarians, especially those of larger libraries, have recorded distinct advantages from organizing the various library services into two units: those relating to the acquisition, recording and preservation of materials, and those involved in the maintenance of service to library patrons. The term which has been adopted for the first of these groups is "technical services." For this reason one cannot help but be confused by finding circulation operations discussed in a book with the title *Technical Services*. To have the literature devoted to each of these two divisions of a library in distinct units would seem to be more practical from the standpoint of use. Many whose primary interest in the technical processes, as usually understood, would welcome a more comprehensive treatment of these services. Examples of where further information is desirable follow.

The absence of a description of the Cutter "Expansive Classification" from the section devoted to particular classification schemes is notable since the order of the Library of Congress system is based upon that used by Cutter. Likewise no consideration is given to the classification of legal materials even though a description is offered of some classifications devoted to special subject fields.

The widespread consideration which is being given to the simplification and more logical application of the rules governing

catalog entries and all phases of descriptive cataloging warrants more than mere reference to the reports which have appeared in this connection. An extremely meager picture of what these simplifications are and the far reaching economies they have produced is given.

Although the intricacies of effective exchange work are described, only casual mention is made of the belief of a growing number of library administrators that the value received from exchanges does not justify the cost of an exchange program. This casual treatment of the timely question "Are exchanges worthwhile?" is disappointing. What are some of the "economies" which can be effected? Have adequate studies of the problem been made?

In spite of the omissions and lack of detail which might be remedied in a new edition we have presented here an extremely worthwhile, well documented volume dealing with the methods and special problems in the technical services.

ELIZABETH V. BENYON

University of Chicago Law Library

Benefit of Clergy in America, by George W. Dalzell. Winston-Salem: John F. Blair, 1955. Pp. xi, 299. \$4.50.

The author, who did not live to see his book published, confessed, in the preface, inability to "persuade myself that this work is a major contribution to historical scholarship". Eschewing footnotes, with the confession that the book was "not likely to agitate the scholars" and the admission that he would be satisfied if it did not offend them, he assured his readers, "Take my word for it, all statements have been verified." It would have been a bit easier to accept this assurance had he not attributed the poetical version of Giles Corey's "martyrdom" to "James I. Longfellow".

For these reasons, the book is one for reading in bed by those too squeamish to invoke Morpheus with a whodunit. It gives an interesting account of the development of the institution of benefit of clergy, its transplantation to America, and its history among us. Probably as much space is devoted to various side trips as to the main topic. These excursions range over such matters as the relative achievements of Blackstone and Bentham; the early settlements along the Hudson and the Delaware; the propriety of holding Christians in slavery; the moral status of the Massachusetts colonists, with an additional

excursus on the practice of bundling. The list could be expanded almost to infinity. But a pleasing style cancels all sense of aimless wandering, and the book may be recommended for the lawyer's lighter reading.

MAURICE H. MERRILL

University of Oklahoma
College of Law

Guide to the Legal Collections in Chicago, compiled by Kurt Schwerin. Chicago: Published for the Chicago Association of Law Libraries by Northwestern University Law Library, 1955. Pp. viii, 148. \$2.00.

Part III, "Foreign and Comparative Law. International Law. Rare Books," of this lithographed union list is a rich bibliographic source for materials not easily located in the standard compilations. Hence, this alone should warrant purchase of the *Guide* for all libraries. The first two parts are essentially lists of Anglo-American legal materials. Sprinkled throughout the *Guide* are annotations of varying degrees of informativeness. Sophisticated readers may question, if not chuckle at, the claim that "legal encyclopedias provide complete comprehensive statements of the applicable law arranged by Subjects, with exhaustive citations and indexes." The holdings of sixteen libraries in the Chicago area are represented, including those of the law school libraries, the bar associations, the Midwest Inter-Library Center, Newberry, Municipal Reference, and Joint Reference Libraries. In a separate section, there is a comprehensive directory of libraries with legal collections in Chicago, listing the addresses and telephone numbers, names of staff, hours, size and type of collection, services and special facilities. The *Guide* is lithographed on one side only from typewritten stencils and in loose leaf form with an Acco fastener to facilitate the revisions which are acknowledged must be made before a more permanent edition can be evolved. Some possible revisions, I suggest, might include more detailed attention to such materials as the magnificent Wigmore collection of Japanese law at Northwestern University and many of the other specialized holdings, including rare books, in the area. In the meantime, we still have a reliable bibliography compiled by a careful scholar.

MORTIMER SCHWARTZ

University of Oklahoma
College of Law

LET GEORGE DO IT

Every now and then, an editor, inspired perhaps by some of the manuscripts he reads, feels the restless compulsion to peck out a great message for mankind. We don't feel particularly restless nor do we have a great message conjured up during those inspirational hours between dusk and dawn that can better be devoted to plain sleep. Nor do we feel that giving the President the first page in each issue of the *Journal* establishes any claim for the Editor to have the last word.

There is a more practical reason. The number of pages of text, starting with the "President's Page," in each issue must end on an even numbered page. The reason for this is not too material to what follows, but here we have what would otherwise be a blank page. If that doesn't stimulate some change of policy about even numbers, perhaps it will serve as a medium for advancing a provocative message from our beloved colleague, Professor George B. Fraser.

George is one of those fellows you like to see on a law faculty; indeed, as a member of your community. If ever any attribute of virtue could be imbued in that cliché, "Let George do it," then George would certainly be the one to accomplish it. He goes to work on any problem with full steam, and he comes up with the kind of answer that only the maturity of wisdom and experience can produce. It sure helps when you're trying to run a library—or edit a journal!

The other day George came up with a suggestion based on the exasperations of legal research. It's the kind of thing that ought to be raised at the annual meetings, but nowhere in the pages reporting the proceedings do we find any voices raised to espouse the cause. Hence, the preempting of the last page to tell you about it.

"Why can't there be something like a *Shepard's Citator* for law review articles?" asks George.

A simple enough question, but the ramifications are as varied and complex as Sunday crossword puzzles. Sure, George knows about the other search aids and how to use them. They simply do not perform like a true citator. When you are doing research on a point of law, and you find a pertinent law review article, you want to know right off about the other articles dealing with the same topic and where your article has been cited.

Well, that's the problem, dear reader. Do you know the answer, or shall we "let George do it?"

MORTIMER SCHWARTZ

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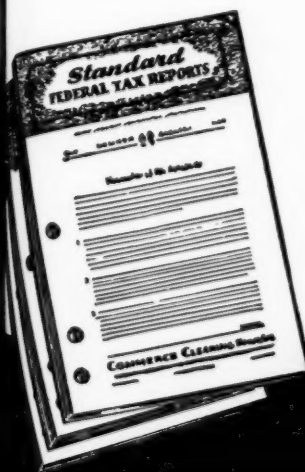
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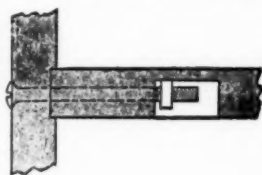
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